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**APPOINTMENTS**

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Tory torrent of legislation attacked

## Taylor warns of frenzy in the courts

By FRANCES GIBB, LEGAL CORRESPONDENT

THE Lord Chief Justice launched a devastating attack on the Government's entire criminal justice programme last night, warning that a torrent of ill-prepared legislation was undermining public confidence.

Lord Taylor of Gosforth said that major criminal justice legislation was threatening to become an annual event like the Budget, and he complained that a clipboard army of management consultants was adding to the pervading sense of frenzy and uncertainty in the courts.

He also spelt out his opposition to the Home Secretary's plans for tougher sentences, saying they would not work and would lead to more murders. Offenders would be deterred from pleading guilty, and there was no evidence that such a regime would achieve anything beyond "a bonanza for prison architects".

Lord Taylor's unprecedented speech reinforced the concerns of other senior judges who have attacked Michael Howard's penal policy and set the judiciary firmly on a collision course with the Government.

Lord Hailsham of St Marylebone, Lord Donaldson of Lynton, Lord Ackner and Lord Justice Rose have all spoken out against the sentencing policy to be detailed in a White Paper this spring. But it was the Lord Chief Justice's speech that was awaited with the greatest anxiety in Whitehall.

Mr Howard declined to comment last night as a Home



Howard: not joining in a public row

Office source made clear that he was not in the business of engaging in a public row with members of the judiciary. Nevertheless, officials released a detailed rebuttal of much of Lord Taylor's speech and the source said: "He is entitled to his views. The Government believes it has a very strong case."

Launching his attack in a lecture at King's College, London, Lord Taylor said: "We have had more Criminal Justice Acts in the past six years than in the preceding sixty. Sentencing policy has in four years swung from one extreme to the other and frequent swings of penal policy eat away at public confidence in the criminal law."

Rules of law should not be subject to arbitrary change by the powers-that-be or to the vagaries of fashion. "It is not just the volume of legislation that has become alarming, with each successive Criminal Justice Act treading on the last

one's heels," he continued. "It is also the haste with which each is prepared."

"Significant and complex reforms are introduced by way of amendment halfway through the progress of a Bill through Parliament. As a result, inconsistencies and lacunae have to be cured in the Court of Appeal or even by yet more legislation."

Lord Taylor also castigated the ethos of management consultancy taking over the criminal justice system, saying: "In addition to this hectic catalogue of legislative activity, there has been unleashed on the courts an invading army equipped with clipboards conducting management reviews, feasibility projects and pilot studies, all of which add to the pervading sense of frenzy and uncertainty. If you walk into a Crown Court, you are as likely to meet a management consultant as a judge."

Turning to Mr Howard's sentencing plans, Lord Taylor listed four reasons why he firmly opposed minimum sentences for persistent burglars and drug dealers and life terms for rapists and violent criminals who reoffend.

First, they would fetter judges' discretion to fit the sentence to the crime. Second, they would thwart the present system of sentence discounts for guilty pleas. Third, they would lead to more murders. A repeat rapist, faced with an automatic life sentence, might think it less risky to kill the only witness to his crime, he said.

Finally, he disagreed with the proposals "because they will not work". After forty years of passing judgment on criminals, he had concluded that what deterred them was the likelihood of detection.

He did, however, support Mr Howard's proposal for "honesty" in sentencing, so that time served in jail was more closely in line with the sentence imposed. That would mean that shorter terms would be imposed, "but I would rather see a sentence of 18 months than a sentence of 18 months than a sentence of three years meaning only 18 months as at present."

The Lord Chief Justice's lecture was delivered after a day of speculation and concern at the Home Office, which promptly issued a statement defending the Government's policy. "These proposals have a simple aim: to protect the public from persistent and dangerous criminals," it said. "These proposals will send a clear message to the criminal: if you commit the crime, you will do the time."



Lord Taylor: "More Criminal Justice Acts in six years than in preceding sixty"

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## Blair draws back from abolishing GP fundholding

By JILL SHERMAN, POLITICAL CORRESPONDENT

LABOUR is dropping plans for the immediate scrapping of GP fundholding if it comes to power in the latest policy shift to be pushed through by Tony Blair.

Instead it is to allow existing fundholders to continue to manage their own budgets until the introduction of alternative powers for all doctors to determine healthcare for their patients.

Eventually all GPs will be expected to work more closely with other practices and with health authorities in joint commissioning teams to arrange care for their patients.

The slowing down of changes to the structure of fundholding has been prompted by Mr Blair's determination to avoid the charge that he wants to tear up Tory reforms at a stroke.

It could be three years before any fundholding is abolished, according to senior Labour sources. The Labour leadership is determined to ensure minimum disruption for GPs or patients during the transition.

Tomorrow Harriet Harman, the Shadow Health Secretary, will tell GPs that a Labour government will not allow any more of them to become fundholders. But in a clear signal that Labour is determined not to alienate thousands of GPs, Ms Harman will indicate that existing fundholders will retain their rights to buy hospital care until Labour sets up an alternative framework. At present GP fundholders control about 30 per cent of the local budget for hospital care, and can refer patients where they choose.

"The first stage is not to take away their budget. We are not going to confiscate their bud-

gets on the first morning," said a source close to Ms Harman. "The first stage is to get them talking together with all GPs to look at ways to ensure a smooth transition to GP commissioning."

On assuming power Labour would consult GPs and health authorities on the best way of setting up the new commissioning system, based on several models already operating.

Addressing the National Association of Commissioning GPs in Nottingham, Ms Harman will outline a new framework for primary care in which all GPs in one area —

fundholders or not — group together to commission care in agreement with the local health authority. She will launch the "biggest consultation" exercise yet, to persuade GPs to join together and co-operate with health authorities. Last night Ms Harman wrote to all Labour MPs and prospective Labour candidates with briefing papers

Continued on page 2, col 3

Donnell guideline, page 4



"It's the two-tier system everybody's talking about"

### Britain may buy US spy planes

The Ministry of Defence is considering a proposal to spend up to £750 million on American U2 spy planes.

The deal would provide between six and twelve of the surveillance aircraft to monitor war zones in which British troops are deployed. The U2 has a 103ft wingspan and a maximum flying altitude of 90,000 ft. Page 2

### Nunn takes over at the National

Trevor Nunn has been confirmed as the new director of the Royal National Theatre. He will take over from Richard Eyre in October 1997. Nunn, who is 56, was head of the Royal Shakespeare Company for 18 years. He had been the favourite to take over at the National. Page 7

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## Jay family anger at 'shambling tramp' obituary of their father

By JOANNA BAILE

A DAUGHTER of the former Labour Cabinet minister, Douglas Jay, who died yesterday, complained just hours after his death over an "offensive" obituary.

The article, issued by the Press Association to news organisations around the country, described Lord Jay as a "shambling figure" once mistaken for a tramp when abroad on an official trip. It also recalled a story that one of his suits was accidentally posted to Oxford. It described him as "right with money" and added: "his oratory was as mediocre and uninspiring as his appearance."

Minutes after the article appeared, Catherine Boyd, one of Lord Jay's twin daughters, made an angry telephone call to PA after reading it while working at the BBC. The agency immediately sent a memo to all newspapers that the obituary, by its veteran



Lord Jay obituary made daughter Catherine "flip"

political commentator Chris Moncrieff, had caused offence to the Jay family.

Mrs Boyd, 50, a BBC assistant producer, married to Stewart Boyd, QC, said last night: "When I read the article... I just flipped. It was a very emotional response, but I just could not believe it — it was horrible. It was entirely negative and went on and on about his appearance which was



irrelevant. Of course, he was shabby — clothes were not important to him — but to go on about it so much was stupid. There was nothing about him as a human being. He cared deeply about people and did so much for so many. He was full of warmth and humour, and was loved by many ordinary people whom he had helped.

"And to call him a mediocre

speaker was rather insulting. He never claimed to be a great orator, but I always thought he was quite an effective speaker." Mrs Boyd rang Mr Moncrieff to complain. She added: "I told him he must be a very depressed man and I felt deeply sorry for him."

PA's executive editor Mike Parry, who spoke to Mrs Boyd, said: "It was not our intent to be malicious. I honestly believe that parts of it were warm and affectionate. It was written by one of the most experienced political reporters of his generation, who never had a run-in with Lord Jay." Mrs Boyd rang her brother, Peter Jay, the BBC's economics editor who is in Germany, to tell him about the obituary. She said: "I read the piece out and he said it was outrageous, but that we should not get diverted by it and that what mattered is that we remembered our father as he was."

Obituary, page 21

### Victorious Dole claims nomination

FROM MARTIN FLETCHER IN WASHINGTON

ROBERT DOLE yesterday claimed the Republican presidential nomination after defeating his opponents in all eight of Tuesday's primaries.

The jubilant Senate leader declared his priority after two months of party feuding was to unify Republicans, close ranks and "face the real political target — Bill Clinton".

Mr Dole now has 276 of the 996 delegates he needs for the nomination — 207 more than his nearest rival — and huge momentum.

Lamar Alexander, the Tennessee governor, and Senator Richard Lugar of Indiana both abandoned their presidential bids and urged their supporters to back Mr Dole. Pat Buchanan, the populist broadcaster, and Steve Forbes, the multimillionaire publisher, will fight on.

Dole victories, page 14

## Typist rescued after 21 hours stuck in a lift

By BILL PROST

A WOMAN trapped alone in a small lift in an empty office block for 21 hours was last night recovering after being freed by firemen.

The 28-year-old typist's imprisonment began at 11.00am on Tuesday after what is thought to have been an electrical fault halted the lift just short

of the ground floor. She was to remain stuck in the cramped metal cabin calling for help until 8.30 yesterday morning when rescuers managed to force the door open.

The young woman, who was "dehydrated and very stressed" when she was released, was working alone at the small office of an American software company in the otherwise

unoccupied small building in the City of London. A colleague who would normally have been there was on holiday.

The block, leased and maintained by a nearby branch of the Nationwide building society, is in a quiet courtyard and her cries went unheard. Similarly, the lift's alarm was only audible within the empty building.

She was finally discovered when her distraught husband went to the office yesterday morning. He opened a letter box and heard her faint cries.

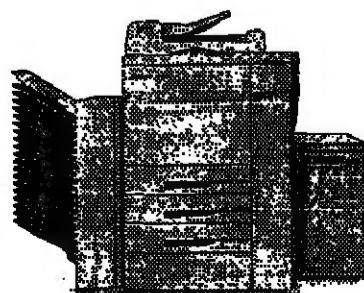
The dubious distinction of longest recorded incarceration in a lift goes to an East Sussex man trapped for 62 hours in a Brighton office block 10 years ago. Graham Coates has used the stairs ever since.

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# Hogg refuses to fish for compliments

Mr Hogg arrived at the Commons yesterday impatient to hear how Douglas Hogg would protect British fishermen from the might of post-imperial Spain. Many hoped that, like some later-day Drake, their small but plucky Minister of Agriculture would singe the King of Spain's beard. In the event the Commons sang the Minister of Agriculture's beard.

And quite an event it was. It has become smart to say we neither care nor notice what happens in the Chamber, but those who did received an early signal that Her Majesty's Government (as Tory Euro-sceptics love to call it) may be heading for between a

rock and a hard place. The rock analogy came from Patrick Nicholson (C, Teignbridge). This usually loyal backbencher became worryingly poetic in his appeal to Mr Hogg to heed, not Brussels, but "the people of this kingdom". Tory backbenchers in "this kingdom" mode, en masse, present a disturbing sight.

John Butcher (C, Coventry SW) was no less epic in his metaphor. This was "one of those watershed moments". Ministers had "started off like bulldogs", but if the bureaucrats "converted them into poodles" then watch out! The people of this kingdom would "take clippers to their whistles".

Mr Hogg, looking uncon-



**MATTHEW PARRIS**  
POLITICAL SKETCH

fortable, all but crossed his legs. "Dare to be popular!" cried Butcher. Being popular is not a possibility which has ever occurred to Douglas Hogg; he would probably think it vulgar. Now he faced a choice of popularity or having his whistles clipped. He looked even more uncomfortable, by turns blustering, and insulting his Labour critics.

"Is it not generally true," asked the Liberal Democrats' Paul Tyler, "that when an advocate resorts to bluster and insult, it usually means he's

got a weak case?" Tyler mistook his man, here. Long observation of Hogg performances teaches us that Mr Hogg blusters and insults even when he has a very good case. He always blusters and insults. So we had no way of knowing whether his Euro-defiance yesterday was real.

He will have left the Chamber persuaded it had better be MP after MP leapt up to tell him so. When Labour's Peter Shore (Bethnal Green & Stepney) can get the better part of the Tory benches roaring in

his support while whips wince, ministers must take notice.

A number of the more volatile Tories wanted the Government to "denounce", or "renounce", the treaty obligations which bind Britain to the Common Fisheries Policy. Labour's Dennis Skinner knew what Hogg should "tell those tinpot people in the Common Market". Nicholas Budgen (C, Wolverhampton, SW) prophesied "we will one day disobey" EU law. Iain Duncan Smith (C, Chingford) wanted a defiant one-clause Act of Parliament.

But many of these were the usual suspects. If I were Mr Hogg, what would have unnerved me more were

backbench loyalists pledging undying support for the fight to the last ditch which they understood him to have promised. Sir Hector Monro (C, Dumfriesshire) was ready for battle. David Harris (C, St Ives) knew Hogg would "see this through" and judged it "a real turning point". He foresaw "a tremendous fight". John Townend, Tory Finance Committee Chairman, expected Hogg "to be completely ruthless". It would be these voices which, were I the Minister, would wake me screaming in the night.

Brussels has shown itself to be a hard place. The Commons yesterday could hardly wait to prove itself a rock. I fear for Mr Hogg's whistles.

## Aircraft sought for airborne stand-off surveillance system

### MoD may buy U2 spy planes in £750m deal

By MICHAEL EVANS, DEFENCE CORRESPONDENT

THE Defence Ministry is considering a proposal to spend up to £750 million on American U2 spy planes.

The aircraft, a symbol of the Cold War with its 103ft wingspan and maximum flying altitude of about 90,000ft, is being studied as a possible platform for an airborne stand-off radar system called Astor.

The Ministry of Defence is considering a deal that would provide between six and twelve of the high-altitude surveillance aircraft to monitor war zones in which British troops are deployed. The ministry has been deliberating for the past 16 years on what type of aircraft to use for the Astor system.

The Army has a requirement for a stand-off surveillance system that can provide a comprehensive picture of a conflict area.

Other aircraft considered for the role include the Islander, Canberra and Nimrod. Although Nimrod was favoured, it is understood that the Royal Air Force considers its maximum operating altitude to be too low.

Last year the all-party Commons defence committee criticised the MoD in a report over the delay in resolving which platform to use for carrying the Astor system.

One defence source said that up to six U2Rs — an advanced version of the aircraft flown by

the American pilot Gary Powers who was shot down over the Soviet Union in May 1960 — were being considered as a possible option, involving the American manufacturer Lockheed. Another source claimed that the order could be for as many as 12 of the aircraft.

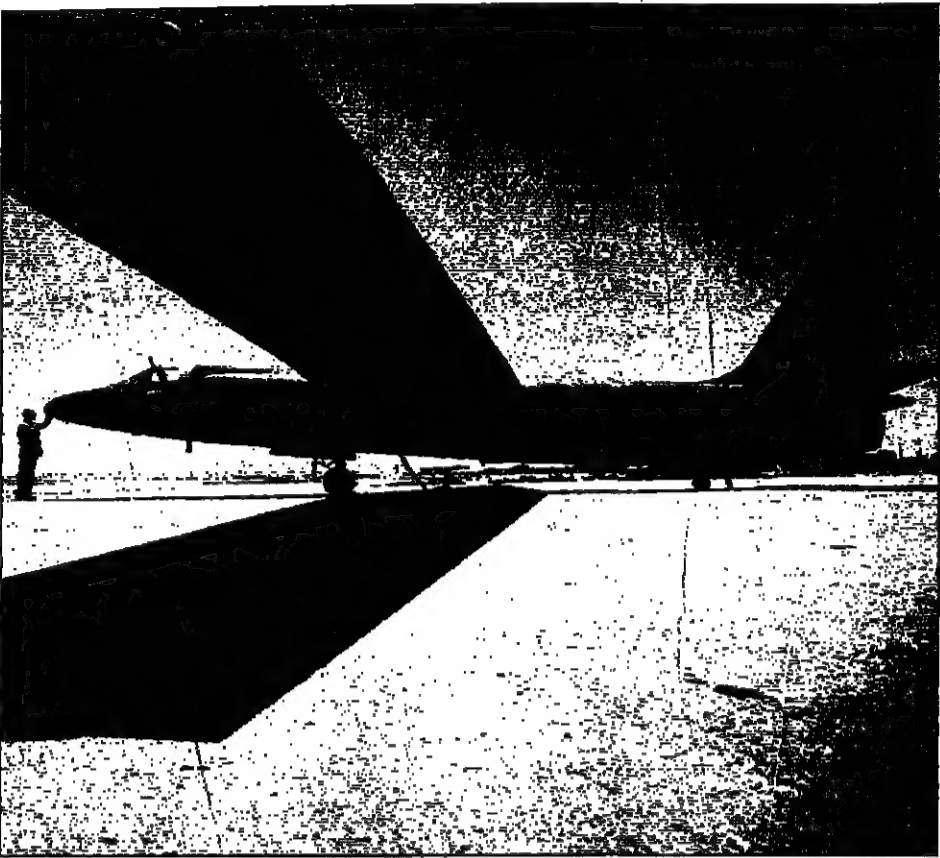
Lockheed has built about 60 U2s since the 1950s. Although the U2 was mothballed, it was taken back into service and until last year the United States Air Force regularly stationed the black-painted spy planes at RAF Fairford in Gloucestershire.

Three U2Rs from the 9th Reconnaissance Wing at Beale Air Force base in California were sent to Fairford in April last year to carry out aerial reconnaissance over Bosnia-Herzegovina.

Last August one of the U2Rs crashed just seconds after taking off from RAF Fairford. Captain David Hawkins, the pilot, was killed. The detachment of U2Rs is now operating from France.

Lockheed yesterday declined to make any comment on the interest shown by Britain in buying U2s. A spokesman at Lockheed's headquarters in the United States referred all questions to the MoD.

A spokeswoman for the MoD said she could trace no one who knew of any scheme to buy U2s. However, defence sources said that the purchase



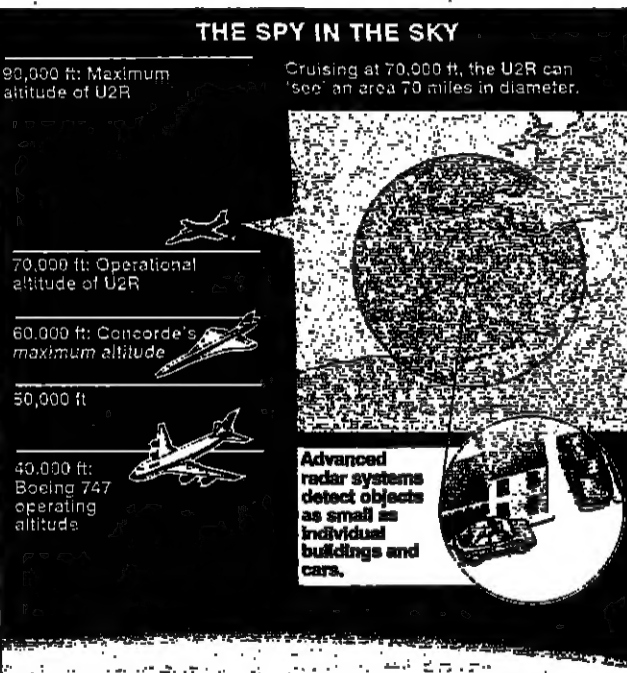
The U2 spy plane, symbol of the Cold War, has a range of up to 3,000 miles

of U2Rs was one of several options but they did not expect a decision for some time.

According to a book published in 1989, two RAF pilots flew the U2 over Russia in the 1950s. The shooting down of Gary Powers ended American overflights of the Soviet Union.

Another U2 was shot down over Cuba in 1962 and three or four more were lost on CIA missions over China, according to Christopher Pocock, author of a book on the history of the U2. Many of the early U2s also crashed because they were so tricky to fly.

The U2 is 63ft long, flies at a maximum speed of 430mph and has a range of 3,000 miles. Twelve U2s were based in Saudi Arabia during the Gulf War, providing daily intelligence on movements of Iraqi troops and armoured columns.



## Adams talks of another 25 years' warfare

By NICHOLAS WATT  
IRELAND CORRESPONDENT

GERRY ADAMS warned the Government yesterday that the IRA was prepared for "another 25 years of war" if Britain failed to convene unconditional all-party talks.

In some of his harshest comments since the ceasefire was called off, Mr Adams quoted an IRA leader as saying: "We sued for peace, the British wanted war. If that's what they want we will give them another 25 years of war."

Dick Spring, Ireland's Deputy Prime Minister, described Mr Adams' comments as unhelpful. He said that last week's Anglo-Irish communiqué had created a momentum. He added: "We have set a fixed date for June 10 for all-party talks and that must register on people's minds as actually moving the agenda forward."

Mr Adams qualified his tough language, which came in an article in the New York newspaper *Irish Voice*, when he said the IRA was prepared to restore its ceasefire. But he added that the IRA would only "embrace a real effort to end the conflict through inclusive negotiations without preconditions".

Sinn Féin and the IRA believe that Britain and Ireland set out three conditions at last week's Anglo-Irish summit: the plan to hold elections in Northern Ireland to all-party talks; the ban by both Governments on ministerial contact with Sinn Féin until the IRA restores its ceasefire; and the Anglo-Irish insistence that Sinn Féin must address the decommissioning of IRA arms at the start of all-party talks.

Mr Adams made clear that these conditions were delaying a new IRA ceasefire because there was an "absence of a viable alternative" to the armed campaign. Mr Adams' article was his most detailed account of the events leading to the ceasefire in 1994 and its eventual collapse. Mr Adams said the IRA called its ceasefire because of Britain's promise in the Downing Street Declaration of 1993 that it would hold serious talks within three months of a ceasefire. Republicans believed that this would be underpinned by a unique consensus among Irish Americans, the Irish Government and the Social Democratic and Labour Party.

The Sinn Féin president blamed the collapse of the ceasefire on Britain's refusal to hold all-party talks until the IRA began to disarm. The Docklands lorry bombers made a dummy run three weeks before the real attack, police said yesterday. The date of the reconnaissance trip suggests that the IRA's seven-man Army Council was making plans to end the ceasefire well in advance of the publication of the Mitchell report on the peace process on January 24.

## Widow wins right to NHS care at home

A 76-year-old widow with Alzheimer's disease has won the right to be cared for in her own home at a cost to the State of £15,000 a year. The Royal Hampshire County Hospital in Winchester wanted to move Kathleen Richardson into a residential home where she would have had to pay for her own care. She would have been forced to sell her home in order to meet the cost.

The case has wide-reaching implications for the community care service, which relies heavily on the ability of people to pay their way in residential and nursing homes. Jonathan Montgomery, a senior law lecturer at Southampton University, said there would be serious consequences for the NHS if others followed suit.

## Polar ice thinning

Scientists fear that the North Pole ice cap could be thinning rapidly after discovering that water temperatures under the Arctic are rising at an alarming rate. Findings from a joint American and Canadian expedition to the region show temperatures have risen by as much as a quarter since the 1950s. Dr Peter Wadhams, of the Scott Polar Research Institute in Cambridge, said: "We do not know if this is a manifestation of global warming or part of a natural cycle."

## Soldier's beau gesture

A former soldier facing an assault charge has escaped British justice by joining the French Foreign Legion. James Gow, 30, failed to appear at Stirling Sheriff Court yesterday but sent the Sheriff a postcard of the Moulin Rouge, claiming he had enlisted as a legionnaire. His lawyer said he could not contact Mr Gow because legionnaires were forbidden to disclose their whereabouts but he thought he would be away for about five years.

## Bicycle diplomacy

Stephen Logan, a member of the British Embassy in Kuwait, plans to cycle the 393 miles of the Gulf state's border with Saudi Arabia and Iraq as a "reminder of Kuwait's sovereignty" and to raise money for children's charities. He is due to start today and will take about six days. The embassy said that Mr Logan had worked on Anglo-Kuwaiti defence and security policies for five years, but did not specify his position.

## Brady press defeat

The Moors murderer Ian Brady yesterday lost his High Court challenge to a Press Complaints Commission ruling that photographs of him in a newspaper were not an invasion of privacy. Mr Justice Joffe refused an application by Brady, 59, to challenge a decision that the pictures, taken at Ashworth Hospital, Merseyside, and published in *The Sun* under the headline "Well-fed face of evil child murderer", were in the public interest.

## Sex case teacher quits

A music teacher has resigned more than a month after a judge dismissed charges that she had sexually assaulted teenage boys. Valerie Short was accused of abusing three members of a youth orchestra during the mid-1980s. The judge ruled that she could not prepare a proper defence so long after the events. Ms Short, 41, resigned before facing a disciplinary hearing at The John Roan School, southeast London. Charges did not relate to her work there.

## Lotus open to offers

The carmaker Lotus went up for sale yesterday for the third time in a decade. After being owned by the Americans and then the Italians, speculation was growing last night that a business regarded among the elite of British brand names would be bought by a Far Eastern manufacturer. Executives at the sports car business and its high-technology engineering arm, based at Hethel in Norfolk, were negotiating with several companies.

## The Albert Hall gig



Phil Beir and Steve Knightley, above, a West Country guitar duo, have hired the Albert Hall for £22,000. The two, known as Show of Hands, decided to celebrate their fifth anniversary together in style when they spotted that the 5,000-seat venue was not booked on March 24, between concerts by Bruce Springsteen and Donna Summer.

## Times colour award

The Times has won the 1996 MAN Roland newspaper industry award for the quality of its printing. The judges said they were impressed with the quality and consistency in colour printing on presses at the News International plant in Wapping, east London, each producing between 150,000 and 300,000 copies a night. Nightly quality audits and the investment of £3.5 million in a new colour registration system were credited with The Times consistently producing colour printing of unrivalled quality.

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## GPs' budgets

Continued from page 1  
setting out the party's new thinking. "Partnership between GPs and health authorities requires trust," says the paper. "In some areas that still needs to be developed. Labour believes that there should be no return to the situation where health authorities are commissioning care with no input from GPs," it says.

"We do not want to impose a single solution from the centre. Different models will be appropriate for different areas. If they fit NHS objectives and are shown to work they will be encouraged."

In a further move to appease GPs, Ms Harman will also make clear that under a Labour government they would be given statutory rights to approve any contracts which are made between health authorities and hospitals. All GPs would also be given back referral rights so they could send patients outside the local authority if they wished.

Under the new arrangements, three-year rolling contracts for hospital services

would have to be drawn up jointly by health authorities and GPs. They would not be valid unless signed by the family doctors.

Ms Harman will also pledge that all GPs will have access to information about hospital services and that a Labour government would ensure "fair funding" for all GPs. In addition GPs would have the same access to hospitals for their patients. At present only about a third of Britain's 33,000 GPs are fundholders, which enables them to buy hospital care for their patients. But from next month this will rise to nearly 50 per cent of GPs covering nearly half the population.

The move to soften Labour's opposition to GP fundholding comes after similar shifts in education over the last 18 months. Since Mr Blair became leader, the party has softened opposition to grant-maintained schools and has called for more streaming within the comprehensive system.

Dorrell guideline, page 4

## Major may face fresh Euro revolt

By NICHOLAS WOOD

PROMINENT Tory Euro-sceptics said privately yesterday that the Government could face a Commons revolt over its Europe White Paper unless it gives a firm commitment to stand up to Brussels.

On the eve of today's Cabinet meeting to finalise publication of the document early next week, nearly 60 right-wingers crowded into the Commons chamber to voice their anger over European interference in domestic affairs and to demand a tougher defence of national interests.

The show of strength was provoked by the Government's latest reverse at the hands of the European Court of Justice over the rights of Spanish fishermen to register their boats in the UK. One veteran of the Maastricht revolt predicted "trouble" unless the Government responded to backbench concerns.

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# Zulu boy ordered home faces a rude awakening

FROM INIGO GILMORE IN JOHANNESBURG

A ZULU boy aged ten who has been ordered to return to South Africa after four years in Britain will find it hard to communicate with his mother as he has forgotten his native language and she does not speak English.

The child will experience something of a culture shock when he moves to a township outside Brakpan, a former mining town 20 miles east of Johannesburg. When he begins his new life next month, he will share a single room with his parents and baby sister.

The boy has been living in Maida Vale, west London, with a white South African woman who

now has British citizenship. The woman, who cannot be named for legal reasons, is widowed and has three daughters. The boy was made a ward of court in 1994 when the South African woman gave notice of her intention to adopt him. She had become attached to the child while she employed his natural mother as a housekeeper in Johannesburg. He had been brought up by her since he was 18 months old.

The father has said that the child's British "mother" wanted her daughters to have a brother. "She told us, 'That son must not ever go far from us as my



daughters do not have a brother," he said. The father said he and his wife had initially agreed for their son to go to Britain because they thought he would get a good

education. He said: "My wife had no idea where England was or how far away it was but we thought we would be closing the door for the child if we refused him this chance of education."

The boy was taken to London in March 1992 by his mother's Afrikaans-speaking former employer amid fears that the civil unrest which preceded 1994's elections would deprive the boy of a decent education. His parents had agreed to let him go provided that they would be allowed to visit him and the adoptive mother ensured he maintained his South African links. Despite her assistance in helping the boy to speak Zulu he lost the ability to speak his mother

tongue, the only language in which his biological mother is proficient. The woman he was living with later launched a bid to adopt the boy without his parents' permission. The family countered with a successful court action financed by lawyers for human rights.

On Tuesday, the Court of Appeal ordered that the child be returned to his natural mother and homeland, and he is expected to return during the Easter school holidays. The child, who is a ward of court, will begin the summer term at a new school.

The boy's new home is a brick-built sidehouse, set on a patch of bare earth with a single door and

window. The township was neglected during the apartheid years. During the late 1980s it was embroiled in unrest at the height of violent opposition to the white minority government.

Many township homes do not have running water or electricity. Schools are often in a state of disrepair with broken windows and desks, and lack rudimentary teaching aids.

The boy's father, who is a driving instructor, claims to have a savings account and unit trusts for the child. He believes his son will soon become reaccustomed to his Zulu language and culture.

At the Court of Appeal, Lord Justice Ward, sitting with Lord

Justice Neill, said that the boy faced a danger of being taken away from his British family against his will. "I am under no illusions whatever about the harm that return to South Africa will cause," he said.

"It is not just the uncertainty about the stability of his parents' marriage, and their relationship, nor about their housing conditions, nor economic security, nor personal safety."

"He will leave the comforts of Maida Vale for the comparative discomfort of Brakpan."

The natural mother was helped in her case by the Black Sash human rights group in South Africa.

## 'Possessed' patient killed two relatives after release

BY DOMINIC KENNEDY

A MAN suffering from paranoid schizophrenia killed his mother and half-brother five weeks after leaving a mental hospital. As Anthony Smith, 25, began unlimited detention at Rampton secure hospital yesterday, an independent inquiry began into his care.

Smith, who said he was possessed by demons, stabbed his mother, Gwendoline, 43 times with an 11-inch knife before finally killing her with an iron bar. His brother David, 11, who walked in during the attack, was stabbed 24 times. Smith then washed the blood from his clothes, walked into a nearby health centre and told the reception-

ist: "I've just killed my mother and brother." In a calm voice, he added: "It was inevitable."

A day earlier, Smith's doctor, Sarah Barrett, had sent a card arranging his next hospital visit as an outpatient. Smith, of Sandiacre, Derbyshire, admitted manslaughter on the ground of diminished responsibility.

"The facts of this case present a nightmare to those people who care for schizophrenic patients," Mr Justice Latham said at Nottingham Crown Court. "It seems to be a case where this man's release into the community will have to be looked at with great care. I hope somebody will make it their business to find the full facts and learn whatever les-

sons are necessary," Smith went into hospital voluntarily in June 1995 but discharged himself after less than a month. His stepfather, Peter Smith, 47, an accountant, voiced concern at the time but it was considered that he was safe to go home.

Peter Joyce, QC, for Smith, said: "There is no gain in elaborating on the horror of what happened that afternoon but he regrets his discharge from hospital five weeks before these events. It is clear from reports that he was a very sick young man. He was driven by delusions and hallucinations and by overpowering voices to commit these offences. He is shocked by the horror of what he did." After

the hearing, his stepfather said Smith had refused to take medication. Mr Smith said: "The doctors had the power to detain him but never did. I knew something would happen from what I learnt of the illness. There was nobody to help; it was down to me."

Jayne Zito, who founded the Zito Trust to campaign for changes in mental care after her husband, Jonathan, was killed by a released mental patient, said yesterday: "The Government has got blood on its hands for the tragic and unnecessary deaths of the Smiths."

An internal review completed by the Southern Derbyshire Mental Health Trust has said, however, that there were "no major breakdowns" in Anthony Smith's care. He had been keen to return home and the consultant felt he was ready to return to an environment in which he had lived safely for 23 years, providing he took medication regularly.

Dr Barrett, who is on maternity leave from Derby City Hospital, has not faced any disciplinary proceedings. Andy Clayton, medical director of the hospital trust, said last night: "The consultant used her clinical judgment to make what she felt at the right time was the appropriate decision. She obviously now regrets the tragic events which followed that decision a month later."



Anthony Smith, left, stabbed his mother, Gwendoline, and killed his brother David, 11, who walked in during the attack. Smith later said: "It was inevitable"

## Rape victim who lied is jailed

A RAPE victim who accused a man she knew to be innocent was jailed yesterday for six months. Kay Franklin, 25, told police that Ian Henson had broken into her home and raped her at knifepoint. She claimed that she recognised him when a towel masking his face slipped.

Mr Henson, 22, was arrested and remanded in custody for seven weeks until DNA tests proved that he could not have been responsible. Franklin was arrested and admitted the allegation was untrue. Sybil Thomas, for the prosecution, told Warwick Crown Court.

Franklin, a mother of four, of Nuneaton, Warwickshire, pleaded guilty to perverting the course of justice. Richard Griffith-Jones, representing her, said she latched on to Mr Henson's name when it was mentioned by a neighbour to whose home she ran after the rape last May.

Judge Richard Cole told Franklin: "It is accepted you were raped, but you knew full well it was not Ian Henson who raped you and you deliberately lied about that. It was a wicked thing to do."

## Animal rights extremist jailed for ten years

BY RICHARD DUCE

AN ANIMAL welfare extremist who planned a nationwide fire-bombing campaign with military precision was jailed for ten years at Birmingham Crown Court yesterday.

David Callender, 37, described by colleagues within the hardline Animal Liberation Front as a "compassionate commander", was linked by police to bombing raids in southern England five years ago but never arrested.

As he was jailed yesterday for conspiring to commit arson, Callender, an unemployed history graduate, was told by Judge Matthews: "Any activist who plans to plant incendiary devices, whatever his motive, has got to understand that his punishment if caught is going to be severe."

Callender's bombing campaign was thwarted by a shop assistant when he placed an order for 60 tomato-shaped kitchen timers under the name of Johnson. Police kept him under surveillance and later, at a terraced "safe house" in Sparkbrook, Birmingham, uncovered enough bomb-making equipment to make

100 incendiary devices. Police also found detailed plans of targets that included the Milk Marketing Board, the Animal Health Trust at Newmarket, the Cambridge Hunt, an agricultural college in Humberside and the British Association of Shooting. Callender also documented in a 23-page log reconnaissance visits to 16 potential target buildings.

The judge told Callender, of Waterloo, Merseyside, that he was an intelligent man with a genuine love of animals who had planned the campaign with "military thoroughness". He accepted that Callender had not intended to endanger human life.

"You are entitled to your disapproval but not to behave in a criminal way or seek to impose your views on the public. I am sure that the objective of the conspiracy was to plant incendiary devices or improvised firebombs to burn property and vehicles."

Callender, a vegan who has a girlfriend and 15-year-old son, waved to supporters in court as he was led down to

the cells. He was convicted after a five-week trial. An appeal has been lodged against his sentence.

During the trial the court was told that Callender had previous convictions for activities involving the ALF campaign against the meat trade and companies involved in animal production.

The same shop assistant at a kitchen wholesalers in north-west London who sold him the tomato-shaped timers had previously taken an order for timers from a Mr Johnson which were used in the 1991 ALF campaign.

Detective Chief Inspector Roger Simpson, who investigated the case, said: "It might be a possibility that Callender was the previous Mr Johnson who was never traced. The people responsible for that campaign were never brought to justice."

Callender, a former elected officer of the Hunt Saboteurs' Association, was the subject of news stories when he was struck with a whip by an army major at the Middleton Hunt in North Yorkshire in 1993.

## Briton savaged by toothless shark

BY HARVEY ELLIOTT

A BRITISH tourist was recovering yesterday after apparently being attacked by a normally harmless shark while swimming off the Great Barrier Reef.

As Jean Hotchkiss, 47, lay in hospital with bites to her arm and leg, experts were trying to discover why a huge toothless plankton-eating fish should bite a human being.

Mrs Hotchkiss, of Wellesbourne, Warwickshire, was swimming in shallow water off Heron Island resort when what is believed to be a small whale shark grabbed her arm and leg. She managed to tear herself free from the jaws of the shark and waded ashore to seek help. Mrs Hotchkiss, who was on a two-

week holiday, was flown by helicopter to hospital before being transferred by the flying doctor to the Princess Alexandra Hospital in Brisbane, 300 miles away.

Bob Earle, an environmental consultant, said: "Whale sharks are the largest living fish and can grow to 40 feet and live on plankton. But they do not have teeth as such. The best description of their mouth would be like rubbing your hand across Velcro."

Tom Stratton, a spokesman for Heron resort, said: "This is the first shark attack we are aware of here, and we have been associated with the island since 1970." Last year 147,600 Britons visited Queensland of whom 51 per cent went to the Great Barrier Reef.

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Hospitals told to restrict care to critically ill patients with chance of survival

## Doctors criticise Dorrell's overhaul of intensive care

BY JEREMY LAURANCE  
HEALTH CORRESPONDENT

STEPHEN DORRELL came under fire from the medical profession last night after outlining an action plan to improve intensive care units following a series of scandals involving bed shortages for critically ill children.

The Health Secretary ordered health chiefs to tighten arrangements for sick children and to free intensive care beds by making better use of beds used for those without life-threatening conditions.

Mr Dorrell also issued guidelines for hospitals to use beds more effectively, urging them to spell out admissions policies and procedures for the discharge and transfer of patients. He pledged that more beds would be provided after a further review was carried out within the next seven weeks.

He came under immediate attack from doctors' leaders who were furious at his suggestions that their misuse of intensive care beds had led to shortages. The British Medical Association said the guidelines would have to be backed by new resources "to avoid tragedies in the future".

Harriet Harman, Shadow Health Secretary, was also



Bottomley: ordered review a year ago

also quick to point out that no estimate had been given of the number of beds needed and no extra funds had been promised. "Seriously ill people need an intensive care bed, not a guideline," she said.

Guidelines on the use of intensive care beds said only patients expected to recover should be admitted to the units, which cost up to £1,300 a day to run, and greater use should be made of high dependency beds, which provide a lower level of care.

The guidelines, issued to all NHS trusts, say it is too expensive to fund intensive

care units to meet peak demand because wide fluctuations in need would waste resources. Transfers between units are inevitable but if properly managed by trained staff can be achieved safely.

The announcement follows a review of intensive care ordered by Virginia Bottomley as Health Secretary a year ago, in response to a series of episodes in which patients were transported around the country in search of a vacant intensive care bed.

The guidelines add that intensive care has high emotional costs to patients, their families and staff and is one of the most expensive elements of hospital treatment. "However, a significant proportion of the intensive care budget is expended on patients who ultimately die. It is therefore important to ensure that ... the most appropriate group of patients is admitted."

The guidelines say that doctors should consider the patients' chances of recovery, their pre-existing state of health, and their need for artificial ventilation or other support when deciding which to admit to intensive care. As soon as their condition has been treated and reversed they should be discharged to a high dependency bed or a general



Nurses in the high dependency unit at St Thomas's Hospital, where some patients are sent after intensive care

ward to make way for other patients.

The guidelines follow a study by the London School of Hygiene and Tropical Medicine of intensive care provision in England, published in February 1995, which found a twofold difference in the availability of beds.

Dr Chris Aps, clinical director of theatres and anaesthetics at St Thomas's Hospital in London, said yesterday that demand for intensive care beds could be cut if

hospitals diverted patients undergoing major surgery to specialist recovery units. He claimed that many surgical patients did not need the high level of care provided in an intensive care unit which should be kept free for those whose lives were in danger.

During the first 24 hours after surgery at St Thomas's, patients are cared for in an intensive recovery unit, which provides a level of care one step down from an intensive care unit, before being trans-

ferred to a general ward. Other surgical patients are cared for in high dependency beds, two steps down from the level of care provided in the intensive care unit.

Dr Aps said that, nationally, patients recovering from surgery occupied half of all intensive care beds. "Half those patients only need overnight support. Now that we have a unit to take those patients we have removed a huge workload."

Dr Aps said that from 1983

to 1995, 3,000 patients recovering from heart surgery — half the total operated on at the hospital — had been cared for in the recovery unit.

In a separate move, health authorities were ordered to ensure extra paediatric intensive care beds were provided following the inquiry into the care of Nicholas Geldard, 10, who died of a brain haemorrhage after being ferried between four hospitals in Manchester and Leeds in a fruitless quest for treatment.

## NHS study turns the spotlight on shortage of casualty beds

BY JEREMY LAURANCE

SERIOUS shortcomings in hospital casualty departments will be disclosed next week in a report from the Audit Commission.

The NHS watchdog is expected to highlight wide variations in the length of time patients wait to be treated. In one hospital 84 per cent of patients had been given a bed an hour after arrival while at another only 2 per cent had done so in the same period. The report will also

say that accident and emergency departments are short of senior doctors, leaving patients to be treated by unsupervised juniors.

Yesterday, the Government moved to pre-empt the findings by issuing instructions on improving emergency care. In a letter to all NHS trusts and health authorities, Alan Langlands, chief executive of the NHS, said that they must agree action to respond to the increase in emergencies.

Last month, the British Medical

Association said that casualty departments were dangerously understaffed because of a shortage of junior doctors. Emergency admissions rose by 13 per cent over four years but 9,000 acute beds had been closed. The BMA said that there was "a desperate crisis looming".

In his letter, Mr Langlands says that a new Patient's Charter standard was being considered, which would set a target for the time from arrival in casualty to treatment or admission. Existing standards re-

quire patients to be assessed for the urgency of their condition within five minutes of arrival and set a maximum four-hour wait for a bed for patients on trolleys.

However, the Audit Commission report, details of which have been leaked to the *Health Service Journal*, says that hospitals that assessed patients most quickly were often slowest to treat them and that the "trolley waits" standard did not include waiting time before a decision to admit was made. A separate

report published yesterday says that Britain's first main trauma centre designed to deal with victims of serious accidents is no better at saving lives than conventional accident and emergency services.

The pioneering unit, established at the North Staffordshire Hospital, Stoke-on-Trent, four years ago was expected to be the first of a network of 21 primary trauma centres covering the country. Staffed by accident and emergency consultants around the clock, the centre was designed to

overcome the problem of severely injured patients being treated by inexperienced doctors and was backed by the Royal College of Surgeons, which said it would save lives.

However, a four-year study by Sheffield University showed that the death rate among patients treated in Stoke was no better than those treated in normal casualty units in Humberside and Lancashire.

Body and Mind, page 17

## Bill gives police powers in schools

BY DAVID CHARTER  
EDUCATION CORRESPONDENT

POLICE will gain the right to raid schools and search children for knives and other weapons under plans that received cross-party support yesterday. Head teachers proposed the extra powers at an advisory group on school security set up by Gillian Shephard, the Education and Employment Secretary, after the fatal stabbing of the headmaster Philip Lawrence in December.

The recommendation was included yesterday in the Offensive Weapons Bill during its committee stage and could be law by the summer. Penalties for carrying weapons will increase under Lady Olga Maitland's Private Member's Bill, which will also make it an offence to sell knives to children under 16.

The new legislation will close a loophole which meant that police could stop and search children on school buses but not in school grounds or buildings. Schools will be redefined as public places for the purposes of suspicion about weapon-carrying, but not for other offences such as possession of drugs.

David Hart, general secretary of the National Association of Head Teachers and a member of the group, said he thought very few head teachers would object to the extra police powers.

Mrs Shephard said the new legislation would be accompanied by guidance on good practice in school-police liaison. She wanted police to use their new powers sensitively and take "all practical steps" to seek consent from the head teacher before entering a school to search for weapons. A levels in subjects regarded as easier to pass should be made more difficult, the Government's chief curriculum adviser will tell Mrs Shephard later this month. Sir Ron Dearing will call for the work required in subjects such as business studies and communication studies to match that expected in mathematics and chemistry.

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"That the theatre should have the exclusive services of such a man is astonishing"

# Young guns come second to Nunn at the National

BY DALYA ALBERGE  
ARTS CORRESPONDENT

TREVOR NUNN took centre stage at the National Theatre yesterday to be confirmed as its director. He spoke of his "breathless" excitement but admitted that he had not been particularly interested in the post when he was approached a fortnight ago.

"To begin with, I didn't give it much credence," he said. "It was only when the approaches didn't go away that I started to think more seriously."

Nunn will take over from Richard Eyre in the £90,000-a-year post in October 1997. Until then he will be involved on a part-time basis.

He had been the favourite for the most prominent job in British theatre from the moment that he was rumoured to be a contender, overshadowing candidates from a younger generation. At 56, he was much older than most on the shortlist, such as Sam Mendes, 30, of the Donmar Warehouse, and Stephen Daldry, 34, of the Royal Court Theatre. Some commentators have suggested that one of the younger generation should have been promoted, instilling the institution with fresh blood. However, Sir Christopher Hogg, chairman of the board, stressed that they had been simply looking for the best person to run the National Theatre. Although Nunn spent 18 years heading the Royal Shakespeare Company, "an organisation of similar scale and complexity," he said that the challenge of this job made him feel "excited and breathless with anticipation and anxiety". That was partly explained by the "relative suddenness of the situation that I have found myself in", he added.



Nunn in 1967, hailed as the RSC's new "whizz-kid"

News of the appointment was warmly welcomed by leading figures in the profession. The actor Sir Ian McKellen said: "He is one of the world's greatest stage directors. The National Theatre now has arguably the greatest innovator. For his range of work, he simply can't be challenged. That the National should have the exclusive services of such a man is fairly astonishing. It doesn't always happen that the best director gets such a job."

Jude Kelly, artistic director of the Yorkshire Playhouse, said: "I was very excited that Trevor was interested in the post and I am delighted that the subsidised theatre can have the full benefit of his talents. Trevor Nunn is a great director and a good friend. I've no doubt that he will ably follow Richard Eyre's strong leadership and continue to build relationships between the National Theatre and all regions of the country."

Nunn's contract, to be signed shortly, is for an initial period of five years. He will commit himself exclusively to the RNT, he said, adding that only a small part of his time would be set aside for some of his long-running productions such as *Les Misérables*.

Eyre, who will have been in the post for ten years by 1997, is seen as a hard act to follow. Yesterday, he outlined the job description: directing plays and setting standards; being a producer-impresario for at least 17 productions a year, many of them in two of the largest drama spaces in London; being responsible for the building and a staff of nearly 800; and being the spokesman of an exemplary organisation. He said: "There is no one in this country better qualified to create a triumphant era than Trevor Nunn."

Nunn stressed that he did not intend to make any sweeping changes. "That would be foolish," he added, there was bound to be a change of emphasis.

Nunn, the son of a cabinet-maker, was educated at Northgate Grammar School in Ipswich and Downing College, Cambridge. He began his professional career in 1962 with a scholarship to the Belgrade Theatre, Coventry. He went on to head the RSC at the age of 28 before becoming a multimillionaire in the commercial theatre with West End musicals. He made his fortune through hits such as *Cats*, *Starlight Express*, *Aspects of Love* and *Sunset Boulevard*. Nunn, who is married to the actress Imogen Stubbs, has also worked in television.

Leading article, page 19



Nunn yesterday. The new director of the National Theatre said he was "breathless with excitement"

## Meteorite linked to pinball blizzard

By Nigel Hawkes

A METEORITE discovered in Antarctica ten years ago could help to explain a stormy period in the early history of the solar system.

The meteorite's structure and oxygen isotope content suggest that it came from Mars, exploding off the planet after the impact of some large object.

Now a team from Manchester University says in *Nature* that the four-billion-year-old meteorite is evidence that the bombardment involved the whole inner solar system.

In a commentary in the same issue, Dr Clark Chapman of the Southwest Research Institute in Boulder, Colorado, suggests that the same thing might occur again.

The cataclysm was probably caused by a huge body, perhaps a comet, that ricocheted around the solar system like a pinball.

"If a giant comet broke up four billion years ago, maybe another comet could create another heavy bombardment in the future," he concludes.

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# James 'should be taken off to the funny farm'

## Aitken vilifies accusers over arms 'fairy story'

BY NIGEL WILLIAMSON, WHITEHALL CORRESPONDENT

JONATHAN AITKEN told MPs yesterday how allegations that he had known about illegal arms exports to Iran had ruined his life.

The claims had ended his ministerial career and damaged his reputation, he told a committee investigating the case. He was innocent of any wrongdoing but the allegations had put "intense pressure" on his family.

Lolita, his wife, listened as Mr Aitken castigated his accusers. The case against him was "a fairy story" built around "weird characters, rumours and lies", he said.

The former Treasury Chief Secretary was giving evidence to the Trade and Industry Select Committee, which is investigating the activities of BMARC, an arms company accused of supplying naval guns to Iran via Singapore between 1986 and 1989. Mr Aitken was a non-executive director of the company from September 1988 until June 1990.

The inquiry was set up after Michael Heseltine, then President of the Board of Trade, told the Commons that Whitehall had granted export licences for the guns despite intelligence reports that they were intended for Iran. Government guidelines to prevent

arms sales had been introduced during the Iran-Iraq War in 1984.

Gerald James, the group's former chairman, has alleged that Mr Aitken attended a board meeting when it was made clear that the contract, named Project Lisi, was destined for Tehran. Mr Aitken said he had never heard of Project Lisi.

He told the inquiry, attended by Mr James, that it would have been a "sensational moment" if the board had been told arms were going to Iran. "It would have given me an electric shock. Iran is a country I have detested all my life. The last thing I would want to do would be to have anything to do with a company providing arms to Iran."

Protected by parliamentary privilege, Mr Aitken, who stood down from the Government in July last year, said: "This story of Gerald James is completely untrue. It is a lie from start to finish." Mr James "should be taken off to the funny farm or he should be put on a charge of perjury, to which he could not doubt successfully plead diminished responsibility. There was never any mention of Iran."

Asked why his former colleague appeared to have a grudge against him, Mr Ait-



James listened to attack by Aitken yesterday

ken said: "I have come to the rather sad conclusion about Mr James that he has become so obsessed and so mixed up by his catastrophic failure as a director that he is no longer capable of distinguishing fact from fiction."

John Anderson, a former board member who supports Mr James's account, "has gone away with the fairies. There are doubts about his mental health," Mr Aitken said.

He also accused the television programme *World In Action* of suppressing an in-

terview with Paul Beaver, the former naval editor of *Jane's Defence Weekly*, which he claimed exonerated him. Mr Aitken said that he had been accused of being "irresponsible" in believing that the guns were destined for Singapore. Mr Beaver had confirmed that it was perfectly feasible for the Singapore Navy, which had announced an expansion programme, to have absorbed the guns legally. The remarks were cut from the programme but Mr Aitken provided MPs with a memorandum from Mr Beaver.

Mr Aitken asked to make a personal statement at the end of 90 minutes of questioning. He said that it was "a phoney scandal" in which his own conscience could not be clearer. He asked MPs to "recognise in human terms what a serious crisis it is for anyone to be suddenly accused of serious criminal wrongdoing". If the committee examined the evidence thoroughly it would find there was no case against him. Mr Aitken then stood and turned to his wife, kissing her on both cheeks.

Outside the committee Mr James again repeated his allegations. "He relies on personal abuse. He is putting up a smokescreen to make out I am some kind of nutter. The real issue is not Mr Aitken but did weapons go to Iran."



Jonathan Aitken leaving home yesterday. He spoke of suffering "intense pressure"

## Stand-in to head Prison Service

BY RICHARD FORD

A FORMER jail governor is to be given the job of running the Prison Service. He will succeed Derek Lewis, who was sacked after a report was highly critical of security. Richard Tilt, 51, a former governor of Gartree and Wakefield prisons, is to be appointed Director-General after being in the post on a temporary basis since Mr Lewis was fired five months ago.

The Home Secretary's decision will be popular with prison governors who have long wanted the person leading the service — which runs 133 jails in England and Wales — to have been in charge of a prison.

A Whitehall source said that the Government had been impressed with the way Mr Tilt had done the job in difficult circumstances. His appointment follows the Government's failure to find a successor from outside the Prison Service. Headhunters were hampered by the controversy surrounding Mr Lewis's dismissal and by the £98,000 salary offered, compared with £160,000 earned by Mr Lewis.

Mr Lewis has issued a summons against the Home Office to force disclosure of official documents linked to his writ for wrongful dismissal. He is seeking almost £200,000 compensation.

## Labour council to cut 700 jobs

BY IAN MURRAY, COMMUNITY CORRESPONDENT

THE largest local authority in Britain agreed yesterday to cut 727 jobs and increase council tax by 11.4 per cent.

The jobs are going because Labour-controlled Birmingham City Council has to cut its overheads by £48 million this year to stay inside its government spending limit of £973.6 million. The council hopes to avoid compulsory redundancies among its 25,000 staff by a recruitment freeze.

The tax is rising because the Government has made grants of only £6 million towards the £23 million extra needed to cover inflation and pay rises. Last year the council made cuts totalling £41 million and government spending projections show that it will have to make further cuts of more than £40 million next year.

Theresa Stewart, the council leader, said in her budget speech that an extra £52 million was needed to hold services at present levels this year. More than a quarter of the enforced savings would

have to be made at the expense of support services.

She said that the council intended to spend an extra £17 million (5 per cent) on schools and the total education budget would be £12 million more than the government formula. Despite some cuts, social services would receive £3 million more than the Government had allowed for.

Liverpool City Council, which has the highest council tax in Britain, postponed a decision on its budget until Sunday. The council has warned the unions that it could ask for 1,000 redundancies and a pay freeze. Even with the cuts, it will have to raise council tax by more than 4 per cent and will become the first authority to set a Band D level of more than £1,000.

Solihull, the only Tory-led metropolitan borough, agreed a budget £500,000 below its spending limit. Its tax will rise by 5.27 per cent, which is 1 percentage point lower than the national average.

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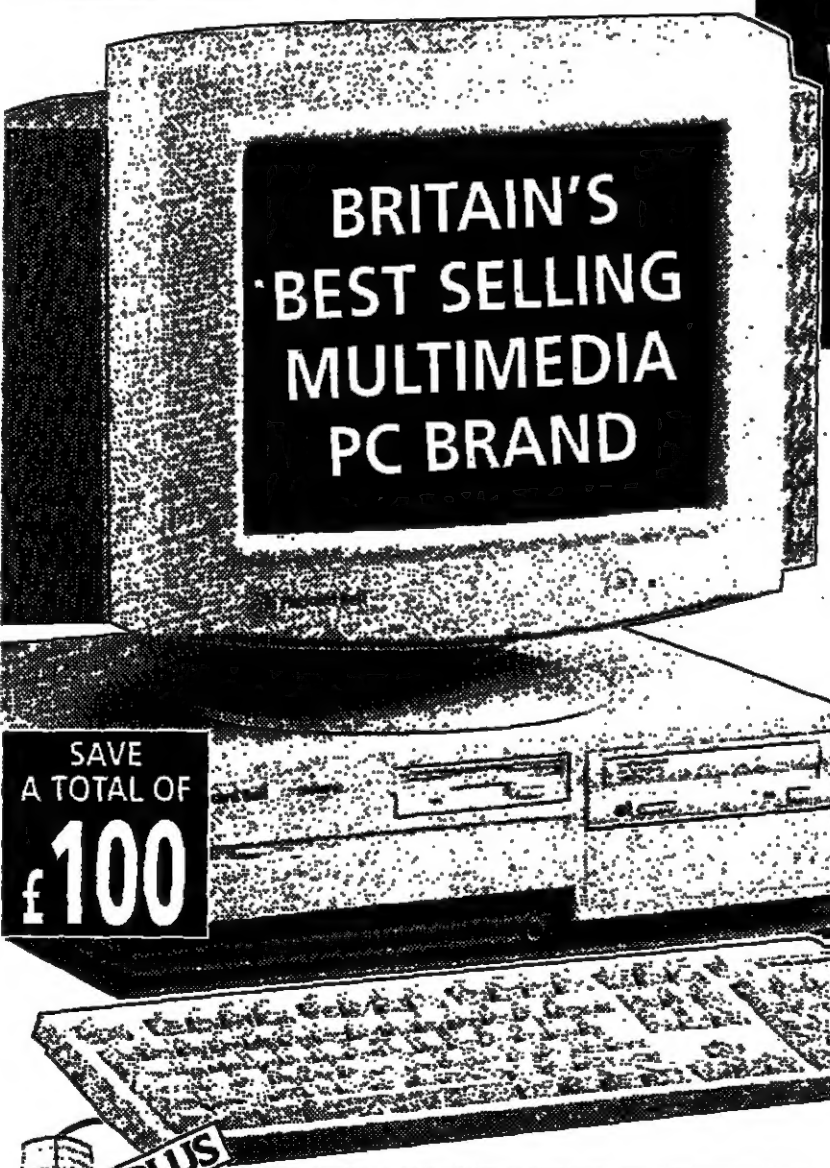
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تحت الاصل



Major heaps praise on 'old and dear friend'

# Right alarmed by talk of Patten as heir apparent

By Philip Webster, Political Editor

THE Conservative Right reacted warily yesterday to John Major's lavish support for the claims of Chris Patten to succeed him as party leader.

As he returned from a visit to the Far East during which he spent two days in the company of Mr Patten, the new leader of the right-wing 92 Group, said that the party had to be led from the Centre-Right and Mr Patten was from the Centre-Left.

Prime Minister. Were Chris Patten back, he would certainly be among that number," he told BBC Radio 4's Today programme.

Mr Patten was a "very old and dear friend" and the pair had worked closely together in the Commons and in the Cabinet. "I think the decision taken at Bath when Chris Patten lost his seat was one of the saddest decisions for British politics over the years."

He said that Mr Patten had been dealing with a very important element of British history — "transition over the past four years of Hong Kong from British sovereignty to Chinese sovereignty".

the Right of the party. It regards Kenneth Clarke, the Chancellor, as its most likely opponent in a future leadership race and believes that his open and increasingly unfashionable pro-European views will be a big drawback to him. The arrival of a new heavyweight contender tainted by the failures of the past few years might cause rightwingers to revise their strategy.

Even so MPs emphasised that there would be big obstacles in Mr Patten's way, particularly in the event of a Labour victory. They pointed out that the by-election he would need to return to Westminster after the election might be too late in coming, and that in any case Conservative by-election victories were rare events.

Sir Nicholas Scott, a left-wing former minister, said that Mr Patten was a possible successor to Mr Major. "I certainly would myself, for personal reasons and for political judgment, recognise him as certainly being in the running and very seriously in the running to be leader of the party as and when John Major gives up."



Mr Patten was causing resentment among senior ministers. "John Major's Cabinet have had their noses put out of joint. By heaping praise on Mr Patten, the Prime Minister is writing off his Cabinet colleagues as serious contenders for the leadership," he said.

John Prescott, the deputy Labour leader, claimed that choice into the position of leader when he retires.

Mr Major was causing resentment among senior ministers. "John Major's Cabinet have had their noses put out of joint. By heaping praise on Mr Patten, the Prime Minister is writing off his Cabinet colleagues as serious contenders for the leadership," he said.

Leading article, page 19

## Ashdown attacks 'xenophobic' Tory mentality

By Alice Thomson, Political Reporter

PADDY ASHDOWN accused the Government yesterday of "sullen xenophobia" in the way it conducts foreign policy and said it was vital for the next government to get closer to Europe.

The Liberal Democrat leader attacked John Major for his "insular, little Englander" opinions and his "profligacy in offending our natural allies". He derided backbench Tory Eurosceptics for being racist in their views of other Europeans.

"They now think it is acceptable to talk about the Germans in the same tone English politicians reserved for the Jews 80 years ago and for the Irish a century ago."

In what was his flagship foreign policy speech for this Parliament, he said: "The tone we hear from some who should know better seems tinged with an envious bitterness about a Germany which has regained its place as Europe's strongest economy and established a thriving constitutional democracy."

He criticised "loose" and "escapist" Tory talk that Britain's future lay in East Asia or America rather than Europe. He ridiculed them for their nostalgia in hoping to revive the special relationship.

Speaking to the Royal Institute of International Affairs, he emphasised the need for closer European ties. "Chancellor Kohl is right to insist that the central purpose of Europe is not the single market, nor social harmonisation but peace. Those who deny that are as short-sighted as their predecessors of the 1930s."

to leave Britain to become a free-rider in a fragmented Europe, in which Germany would inevitably deploy the heaviest weight of political and economic power, would be a disastrous neglect of our national interests."

He said that the main foreign policy task for the next government would be to start rebuilding alliances, especially with Germany.

Setting out his party's policy, he said that Britain should support moves to improve foreign policy co-operation through a more effective defence and security secretariat in Brussels. Michael Portillo, the Defence Secretary, was talking "rubbish" when he gave warning that a common foreign policy could eventually mean the Council of Ministers deciding whether Britain should go to war.

Mr Ashdown warned Mr Major not to set himself against a common European defence policy because he would unnecessarily antagonise the other European leaders at the inter-governmental conference beginning this month.

## Hogg tries to calm anger at fish ruling

By James Landale, Political Reporter

MINISTERS tried yesterday to calm Tory backbench anger over Britain's legal defeat on fishing rights by the European Court of Justice.

Douglas Hogg, the Fisheries Minister, said British farmers would be able to use the court's ruling to seek compensation for damages caused by Germany's ban on British beef imports during the "mad cow" disease scare.

But he also said that the Government would seek changes to the Treaty of Rome to prevent further abuses of the European fishing quota system. The judges, he said, had merely interpreted the treaty.

The court ruled on Tuesday that the Government had broken European laws ensuring the free movement of goods and people in the single market when it barred British-registered Spanish trawlers from fishing in UK waters. The ruling means that the so-called Spanish "quota-hoppers" could seek compensation through the courts.

British courts for up to £30 million.

Mr Hogg told the Commons that ministers would raise the issue at the inter-governmental conference beginning this month. "We will do what we can to ensure, if necessary, treaty changes so that quota-hoppers cannot take advantage of national quotas."

Tory sceptics, however, demanded that Britain withdraw from the common fisheries policy. Barry Field (C, Isle of Wight) said Parliament was now nothing more than "an annexe of Brussels".

### IN PARLIAMENT

YESTERDAY in the Commons backbench debates Foreign Office questioned statements on the EU fishing ruling and an internal care provision. Community Case (Direct Payments) Bill, second reading; Education (School Premises) Bill, second reading; backbench debate on women in prison. In the Lords: university spending cuts; greater awareness of "developing countries" media; Social Orientation Discrimination Bill, second reading.

TODAY in the Commons: questions to Treasury ministers and the Prime Minister on equal opportunities for women and on Paul Grogan case. In the Lords: Broadcasting Bill, report of efficiency of the Social Security Department.

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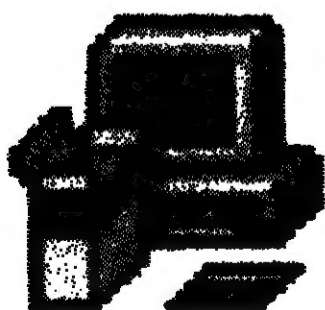
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Washington sends \$100m bomb detection equipment to Israel

## US backs war on Hamas

FROM CHRISTOPHER WALKER IN JERUSALEM

THE United States significantly increased its role in the battle against Islamic terrorism in the Middle East yesterday when the first plane in an emergency airlift of bomb detection equipment valued at \$100 million (£65 million) landed at Tel Aviv airport.

As well as being of practical use in Israel's war against Hamas suicide bombers, the arrival of the new equipment was seen as indicative of Washington's diplomatic backing for Israel's new crackdown against Hamas.

Binyamin Ben-Eliezer, the Housing Minister, said yesterday that Israel would soon embark on a worldwide campaign against the Hamas leadership which experts say will involve the use of hit squads. "We intend to hit all the leaders of Hamas," he said.

In a separate statement on Israel Radio Uri Orr, the Deputy Defence Minister, said: "The Israeli Army is not tied by any government. Anything that helps to fight terror will be done."

Mr Orr also claimed that

the bomber who killed 13 people in Tel Aviv on Monday had been driven there from Gaza by an Israeli Arab. For fear of reprisals, neither the driver nor his village were named.

"It is a very grave matter that an Israeli Arab co-operated with terrorists and smuggled a man into the state of Israel," Mr Orr said.

Shimon Peres, the Prime Minister, described the US shipment as "a unique contribution to the joint effort in the

## Suspect's family is punished

Jerusalem: Symbolic of the ruthless crackdown against those suspected of any links with suicide bombers in Israel is the 'family home' of Mohiedin Sharif, the fugitive bomb expert for Hamas, who tops Israel's wanted list (Christopher Walker writes).

His house in the normally quiet Jerusalem suburb of Beit Hanina was surrounded by hundreds of Israeli troops on Tuesday. Belongings were

war against Islamic terrorism.

Israeli officials said that the American equipment would be used in the new series of road-blocks thrown up by Israeli troops to try to protect Jerusalem, Tel Aviv and other Jewish population centres from further attacks.

"It should be emphasised that the shipment was the first in a series of similar shipments to arrive in the near future," an official added.

Israel has threatened to take

punitive military action both inside the Palestinian self-rule areas and inside Arab states that harbour and foster Hamas. This was backed by a diplomatic initiative launched by Warren Christopher, the US Secretary of State, to isolate Iran, which is seen as one of the main international backers of Islamic terror.

"We think Iran is deeply involved in this at various levels—encouragement, funding, perhaps some direction," Mr Christopher said. Presi-

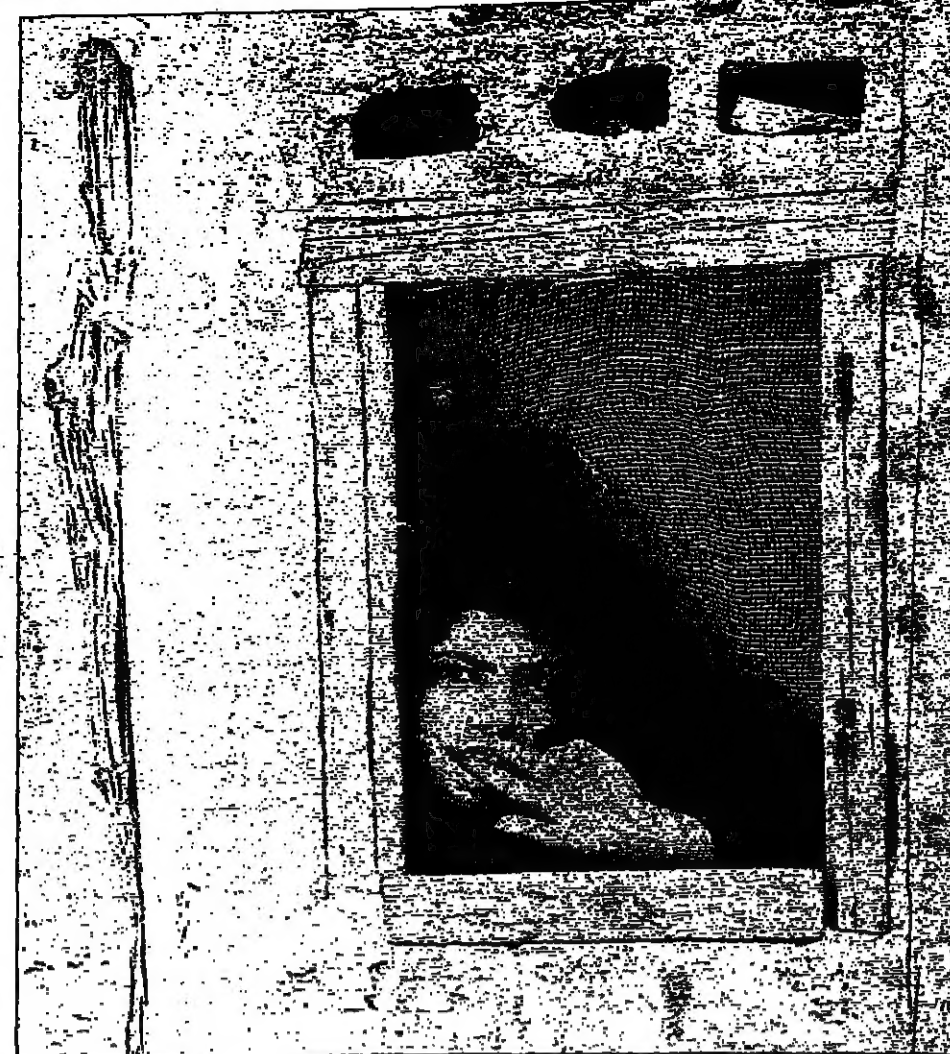
dent Clinton, who has condemned "the enemies of peace" behind the recent wave of suicide attacks, has ordered a team of counter-terrorism experts to help to buttress security in Israel.

The prompt and controversial decision by the Clinton Administration to become so closely involved in what many see as an increasingly "dirty war" was said in Western diplomatic circles to reflect his concern about the effect of stability in the whole region if the peace process collapses.

Israeli and Palestinian forces struck separately at Hamas suspects, affiliates and property over a wide area yesterday. They made hundreds of arrests and imposed a state of siege on the West Bank.

The Palestinian Authority also took the unusual step of broadcasting a television message warning people not to harbour suspects or weaponry wanted by the police and stating that those caught would face heavy penalties.

Letters, page 19



A Palestinian girl confined by a curfew to her home near Hebron yesterday

## Jews protest over Mandela plan to see Palestinians

FROM INIGO GILMORE IN JOHANNESBURG

PRESIDENT MANDELA incensed Jewish groups in South Africa by saying that he is prepared to meet Hamas, the Islamic Resistance Movement responsible for the suicide bomb raids in Israel.

Three South African Jews were among the 13 people who died in the blast on Monday in Tel Aviv. Members of their family questioned the President's judgment, as unconfirmed reports here claimed that representatives of Hamas are to visit next month.

Robyn Lipner, whose grandmother and aunt died alongside Tali Gordon, 25, all residents of Johannesburg, said: "They murdered my family. Why are they coming here? My family were innocent people. I believe it's absolutely disgusting and an insult that Hamas are coming to South Africa."

Her sentiments were echoed by the South African Jewish Board of Deputies and the South African Zionist Federation. In a joint statement, they urged "responsible politicians" not to meet "these people whose hands were dripping with blood".

Ronny Silbermann, the fed-

eration's executive director, condemned Mr Mandela. "We are very shocked that the President has made this statement with the bodies of dead still warm. This is no time to be siding with murderers."

President Mandela, 77, made his comments at a private clinic in Johannesburg where doctors yesterday gave him a "clean bill of health" after two days of tests. He is due to be discharged today.

Responding to questions about an announcement on national radio that a Hamas delegation was to visit in April, he said: "We condemn the bombings in the strongest terms because violence does not help solve any problems. But my attitude is to see everybody who wants to see me, whether I agree with his policy or not."

It is now the first time Mr Mandela has landed in trouble with South Africa's Jewish community which he has often been at pains to cultivate. Jewish groups recently condemned his meeting with Louis Farrakhan, the controversial Nation of Islam leader in America who stands accused of anti-Semitism.

## Chinese wargames raise fears in Taiwan

FROM JAMES PRINGLE IN PEKING

CHINA'S newspapers published front-page diagrams yesterday of how its missiles would "bracket" Taiwan and seal off its key ports in week-long war exercises beginning tomorrow. Diplomats said that in future military exercises Peking may even cordon off the "renegade province".

In Taiwan, rising anxiety led to jitters on the stock market as it emerged that surface-to-surface missiles may fly over the island, and possibly its capital, Taipei, to target sites. China has also ignored American protests which called the proposed action provocative.

A commentary in key Chinese newspapers yesterday rejected overtures for a summit made earlier this year by President Lee Teng-hui of Taiwan. It claimed that Mr Lee was bent on pushing Taiwan towards independence. "He can unceasingly change his colour and hide himself, but Lee Teng-hui's nature to split the country will not change," it said. Xinhua news agency said Mr Lee was "attempting to split China in the garb of democracy".

The missile tests in seas off Taiwan, to be held from tomorrow until March 15, comes in advance of the territory's first free presidential election, on March 23, which Mr Lee is expected to win.

Diplomats now say that tensions over Taiwan will not end after the poll and that in future exercises, China will show how easily it can block all of Taiwan's key ports.

Lawrence Freedman, page 18



Molqi: third Palestinian terrorist to escape

## Hijacker escapes Italian jail

FROM RICHARD OWEN IN ROME

THE Italian press yesterday said that the "credibility of the country's security apparatus" was in doubt after the escape of a third Palestinian terrorist involved in the hijacking of the cruise liner *Achille Lauro* 11 years ago. It accused the Government of courting Arab dictators and tolerating Arab terrorism to advance diplomatic and commercial interests.

Youssef Maghid Molqi, a key figure in the hijacking, had been in jail in Genoa since 1985. He was sentenced to 30 years for the murder on board the ship of Leon Klinghoffer, an elderly disabled American Jew. The killing aroused particular horror because Mr Klinghoffer was confined to a wheelchair.

Two weeks ago Italian magistrates authorised Molqi's release on unsecured leave because of "good behaviour". He failed to return. Reginald Bartholomew, the American Ambassador, has demanded an explanation.



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**JANET BUSH 27**

Cross-party courage needed for rate cuts



**BOOKS 34,35**

The racy vigour running through Kipling's letters



**SPORT 39-44**

Villeneuve drives away doubts on eve of new season

**GEOFF BROWN**  
REVIEWS THE  
NEW FILMS  
Arts 31-33

# THE TIMES

BUSINESS EDITOR Lindsay Cook

THURSDAY MARCH 7 1996

## Rowland set to sell Lonrho stake to Bock for £91m



Dieter Bock, left, and Tiny Rowland

BY MELVYN MARCUS  
CITY EDITOR

TINY ROWLAND, one of the UK's most controversial businessmen, is shortly expected to sell the majority of his remaining stake in Lonrho, the international conglomerate, for more than £91 million.

Indications are that Mr Rowland, who was unceremoniously ousted from Lonrho's board a year ago, has decided to exercise his "put" agreement in respect of almost 6 per cent of Lonrho's equity with Dieter Bock, chief executive and the company's largest shareholder, with an 18.6 per cent stake.

The arrangement between Mr Rowland and Mr Bock dates back to December 1992 when Mr Bock joined Lonrho to work alongside Mr Rowland as joint chief executive.

Under the agreement, 45,529,447 Lonrho shares held by Yeoman Investments, a company in which Mr Rowland is interested, are the subject of "put" (sell) and "call" (buy) options owned by Mr Bock. The "put" and "call" option came into play on December 9, 1995, and permitted either party to enforce a sale of the shares to Laerstate for up to 12 months.

Mr Rowland is reliably understood to have let it be known that he intends to exercise his "put" option. The precise price that Mr Rowland will receive for his shares is uncertain, but, based on recent market averages, the 45.5 million shares could well command a price of about 200p, valuing the stake at more than £91 million. Lonrho closed at 193p.

Mr Rowland's sale of the stake to Laerstate will serve to raise Mr Bock's holding in Lonrho to almost 25 per cent. In the wake of Lonrho's 1995 results, Mr Bock indicated that he was relaxed about the option but hinted that his existing 18.6 per cent was sufficient to enforce his

demerger strategy. The possibility of Mr Bock placing Mr Rowland's share block with institutions cannot be ruled out.

Mr Rowland's decision to sell comes shortly after Lonrho's annual meeting at which the ousted tycoon, through a spokesman, alleged that the German property developer did not spend sufficient time on Lonrho's business. Sir John Leahy, the former diplomat who is now Lonrho's chairman, declared that since Mr Bock became chief executive, profits had risen from £59 million to £161 million, while the share price had risen from 75p to 192½p.

Mr Bock revealed, however,

that when Lonrho's demerger takes effect later this year he intends to devote almost all his time to the non-mining interests embracing hotels, agriculture and general trading operations.

Mr Rowland, who ran Lonrho for more than three decades, has strongly opposed Lonrho's proposed merger of its platinum interests with those of Gencor, the South African mining company. He favours a flotation of Lonrho's platinum interests.

Lonrho's share price recently touched a year's peak of 217½p, fuelled by speculation that the demerger could herald a bid for Lonrho Mining from the likes of Anglo American.

### BUSINESS TODAY

#### STOCK MARKET

FT-SE 100	3758.9	(-18.2)
Yield	3.32%	
FT-SE All share	1888.85	(-5.94)
Nikkei	20241.18	(+57.31)
Dow Jones	8631.94	(-10.48)
S&P Composite	853.59	(-1.80)

#### US RATE

Federal Funds	5%	(0.0%)
Long Bond	9.44%	(0.1%)
Yield	6.45%	(0.3%)

#### LONDON MONEY

3-month bank bill	6%	(0.0%)
6-month bank bill	6%	(0.0%)
12-month bank bill	6%	(0.0%)

#### STERLING

New York	1.8894	(1.8805)
London	1.8891	(1.8805)
DM	2.2561	(2.2556)
FF	7.7200	(7.7200)
SP	1.6331	(1.6330)
Yen	161.08	(160.65)
S Index	83.6	(83.6)

#### \$\$\$ DOLLAR

London	1.4788	(1.4743)
DM	1.5044	(1.5025)
SP	1.5003	(1.4997)
Yen	105.38	(105.21)
S Index	88.8	(88.6)

#### Tokyo close Yen 104.30

#### London close \$883.85 (\$883.35)

#### \* denotes midday trading price

## Mortgage lenders ready to cut rates

BY ROBERT MILLER, PHILIP BASSETT AND JANET BUSH

MORTGAGE lenders said that they were on standby to follow any cut in base rates decided at today's monetary meeting between Kenneth Clarke, the Chancellor, and the Bank of England.

The Confederation of British Industry said that it would favour another quarter-point slice off base rates.

The Abbey National said yesterday that, if base rates are cut, "it is very likely that we would move too". Geoffrey Lister, chief executive of the Bradford & Bingley, said: "There is a possibility that we would take more than just the base rate cut into account when setting a new lower level for our home loans." The Woolwich said it, too, would cut mortgage rates for its 500,000-plus borrowers. Gary Marsh, assistant general manager of the Halifax, the UK's largest mortgage lender, said last night: "We would almost certainly react to a further cut in base rates."

A quarter-point cut in base rates to 6 per cent would push mortgage rates to their lowest level since 1966 and shave at least £4 a month off a £50,000 repayment loan, bringing the monthly outgoings to below £200. On a £50,000 loan, the monthly saving would be more than £7.

The Confederation of British Industry yesterday said it would be happy to see another interest rate cut. Although the economy is likely to recover this year without one, low inflation still means lower rates would not be a risk. Adair Turner, Director-General of the CBI, said it would be sensible to give the economy a mild stimulus and that

there was a "lot to be said" for moving in quarter-point steps on rates, since interest rates generally were so low.

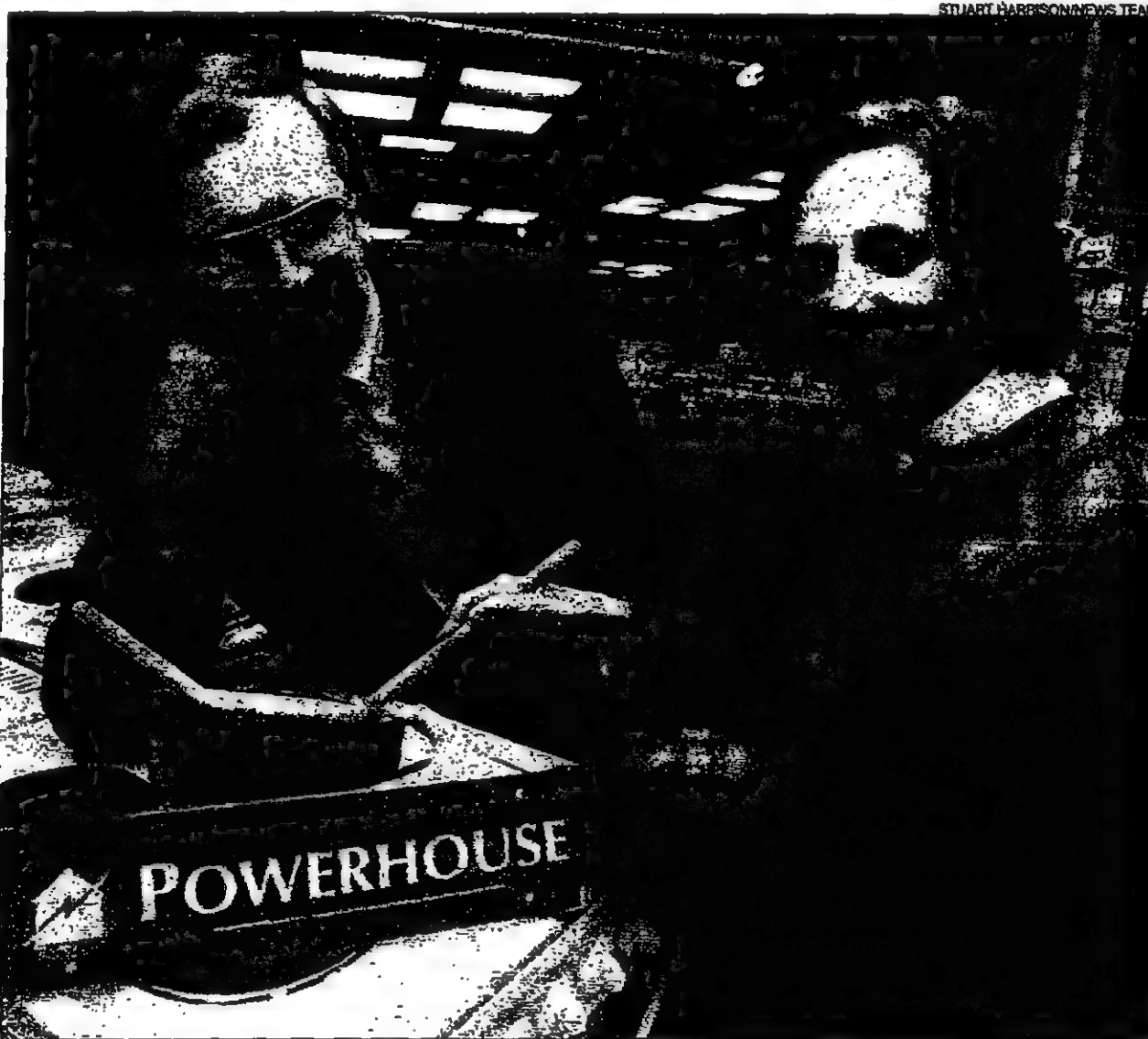
The City is betting heavily on another quarter-point cut in base rates to 6 per cent. The monetary meeting is scheduled for this afternoon. If a rate cut is agreed, it is likely to be implemented on Friday.

Assurances from leading lenders that mortgage rates would follow base rates lower were welcome given figures yesterday showing that the construction business is still not benefitting from tentative signs of recovery in the housing market. Private housing starts, which are highly interest rate sensitive and tend to lead the rest of the economy, fell to 9,400 in January from 10,900 in December, a year-on-year drop of 16 per cent. Taking the past three months together, private starts were nearly 5 per cent lower than the previous three months and 20 per cent down on a year ago.

Car sales figures painted a slightly more positive picture, with evidence that sales are on a gentle upward trend. Sales in February totalled 159,013, 4.4 per cent up on a year ago. This is nothing like the growth rates seen in late 1993 and early 1994, but there is, at least, some growth.

Michael Saunders, economist with Salomon Brothers, said that the economy was clearly sluggish but not very weak and the authorities can simply cut base rates again. "It could be this week or it could be next month, but a further rate cut probably is still on the way," he said.

Cross-party courage, page 27



Catherine Wall, BZW regional director, with Brian Blackmore, BZW Private Equity director, who is to join Powerhouse's board

## Hanson sells Powerhouse to management buyout

BY GEORGE SIVILL

POWERHOUSE, the electrical retailer that has never made a profit, was sold to its management yesterday by Hanson, the conglomerate that only acquired full control of it in November.

BZW Private Equity, the Barclays Bank offshoot that backed the buyout, said yesterday: "There is an agreement between all parties to the deal not to disclose the purchase price."

Hanson made no official announcement of the deal. On February 2, it announced that 2,300 of Powerhouse's 3,500

staff were to go and that 195 stores would close, leaving just 122 in the Midlands, the South and East of England. In its three years of existence, Powerhouse lost about £25 million a year.

When Hanson acquired full control of Powerhouse, its then co-owners, Midlands Electricity and Southern Electric, took a charge of £140 million.

Hanson acquired 36 per cent of Powerhouse when it bought Eastern Electricity last year and bought the rest from Midlands and Southern when they became bid targets of

PowerGen and National Power. The management team takes control of Powerhouse at some point during the summer. Yesterday BZW said: "The prospects for Powerhouse as a pure retailer are very exciting. They will be profitable from day one."

As a high street retailer owned by three regional electricity companies, Powerhouse had been the subject of a complaint by Dixons to the Office of Fair Trading. Dixons maintained the competition from Powerhouse was unfair because Eastern, Southern and Midlands were using profits from regional monopolies to subsidise losses on the high street.

Meanwhile, stock market rumour is mounting that a bid is on the way for Imperial, the tobacco group owned by Hanson that will become one of four separate companies when Hanson demerges.

Yesterday stockbrokers at Henderson Crosthwaite put a break-up value of £2.24 billion on Imperial as part of a calculation that produced a break up value per share of Hanson of 224p. Hanson shares fell 2p to close at 189½p yesterday.

Tempos, page 26

Broughton: cost savings

Pennington, page 25

## BAT plays down demerger talk

BY MARIANNE CURPHY

BAT INDUSTRIES has played down speculation that it might follow Hanson and British Gas and demerge its two core businesses, insurance and tobacco. Martin Broughton, chief executive, said: "We believe we can add more value for our shareholders if we keep our two businesses, as is."

The company reported a 26 per cent rise in pre-tax profit to £2.38 billion for the year to December 31. Mr Broughton

predicted cost savings and job losses in the company's UK insurance businesses, Allied Dunbar and Eagle Star.

BAT enjoyed a 54 per cent rise in tobacco profits to £1.56 billion, but found selling new life business more difficult.

Poor publicity for the life industry over the pensions mis-selling meant Allied Dunbar's total premium income of £1.53 billion was 14 per cent down. BAT has set aside an

extra £37 million as a pre-tax charge to compensate Allied Dunbar customers who may have been mis-sold pensions.

Within the UK, general insurance underwriting profit fell to £9 million (£68 million). Mr Broughton refused to comment on future acquisitions, including rumours that BAT might buy Hanson's Imperial Tobacco.



Broughton: cost savings

## Jennings departs from House of Fraser

BY PHILIP PANGALOS

ANDREW JENNINGS has left abruptly as managing director of House of Fraser, the beleaguered department stores group.

His executive responsibilities have been assumed by Brian McGowan, the group's existing non-executive chairman, who becomes executive

ment for Mr Jennings, who was on an annual salary of £270,000 and had a one-year contract, is still under discussion. Mr Jennings also has 440,000 share options as well as the use of a two-bedroom flat in Kensington.

A company insider claimed the group, which includes Debenhams & Jones, Kendals and Army & Navy stores, had been under increasing pressure from institutions and House

of Fraser non-executive directors. He claimed that both parties had become increasingly concerned that Mr Jennings' leadership had not been decisive enough. Concern heightened in January after the company's progress fell short of its internal budgets and prompted a profits warning.

Mr McGowan said directors were generally happy with the group's strategy, which was largely devised by

Mr Jennings, but felt that vigour and direction was lacking. He said: "There was virtually no support at all, among institutions, in Andrew Jennings."

Among those mentioned as possible replacements are David Dworkin, the former Storehouse chief. The shares gained 11p to 188p, compared with a float price of 180p two years ago.

Pennington, page 27

## James Capel welcomes a new Private Client Team

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## Competition warning hits Glaxo shares

By ERIC REGULY

LOWER than expected profit margins and an admission that competition from generic drugs could be severe pushed shares of Glaxo Wellcome, the world's largest pharmaceuticals group, down by almost 5 per cent yesterday.

The City took fright after Sir Richard Sykes, chief executive, said that 70 per cent of sales of Zantac, the ulcer treatment that has been the world's top selling drug since the mid-1980s, would be subject to generic competition next year when patents expired in America, Britain and other European countries.

The shares closed at 976p, down 44p, on volume of 29.4 million shares.

In the 18 months to December 31, sales of Zantac fell 4 per cent to £2.25 billion. Lehman Brothers, the securities house, predicted recently that Zantac sales would fall to less than £500 million annually in 2000.

The disclosures caused Glaxo's own broker, ABN Amro-Hoare Govett, to reduce its rating on the shares from "buy" to "undervalued", meaning that it does not expect them to outperform the market this year greatly.

Anthony Colletta, a Hoare

Govett analyst, said that the market had forecast trading profit margins of 38 to 39 per cent; the actual "exit" margin at the end of December was 35.5 per cent. He said that the high cost of launching new drugs was behind the lower margins. Glaxo's goal is to introduce at least three new products a year, each with target annual sales of £500 million, in an effort to offset declining sales of Zantac.

Glaxo, which completed its £9.1 billion acquisition of Wellcome a year ago, reported a pre-tax profit of £3.6 billion, or 74.6p per share, in the 18-month period, and an integration charge of £1.2 billion. The figures are officially 18-month results because of a change in the company's year end.

In the 12-month period to the end of December, which includes nine months of Wellcome's results, Glaxo had a pre-tax profit of £2.5 billion, against a profit of £1.9 billion for Glaxo alone in 1994.

Glaxo is to pay a final dividend of 15p. With the first and second interim dividends of 10p and 20p, this makes a total of 45p for the 18 months.

Pennington, page 25

## Talks aim at rescue for Fokker

In a last-ditch effort to persuade Dutch financial institutions to back a rescue of Fokker, the collapsed plane-builder, Hans Wijers, Dutch Economics Minister, yesterday held talks with ABN-Amro, ING and Rabobank, together with ABP and PGGM, pension funds.

They have been asked to back either a rescue by Samsung Aerospace of South Korea or Avic of China, or a stand-alone rescue plan. If talks fail, bankruptcy proceedings are likely by March 15, when emergency state aid runs out.

Meanwhile, bondholders claim that a transfer of aircraft leases to Debis Airfinance, a subsidiary of Daimler-Benz, Fokker's parent, Daimler-Benz, before it withdrew financial support on January 22, were illegal.

### NS date

Angela Knight, the Treasury Minister, yesterday confirmed that National Savings will become an executive agency on July 1. It will still have its annual performance targets and resources agreed with Treasury ministers.

### Payout lifted

BWD Securities, the northern-based asset management group, raised its total dividend 19 per cent to 5p despite a £500,000 fall in profits to £2.5 million.



WYEVALE Garden Centres hopes to counter the effects of restrictions on Sunday trading by opening for late-night shopping this spring. The company may now open for just six hours each Sunday.

and legislation will prevent it from trading on Easter Sunday, traditionally one of the busiest days. Brian Evans, chief executive (pictured, left, with Steve Murrin, finance director), yesterday re-

ported a 12 per cent rise in underlying profits in 1995 to £6.6 million before tax. Adjusted earnings were 11.7p a share (10.4p). The total dividend rises to 5.32p (4.84p), with a 2.1p final.

## Airbus wins \$3bn ILFC order

By ROSS TIEMAN, INDUSTRIAL CORRESPONDENT

AIRBUS INDUSTRIE, the European jet builder, has won a \$3 billion order for 38 aircraft from International Lease Finance Corporation.

The aircraft leasing company, which is based in Los Angeles, becomes the launch customer for the extended-range A330-300 twin-jet, buying 13 of the 256-seat widebodies.

It has also ordered 12 of the aircraft's four-engine sister

models, the ultra-long-range A340-300, an A330-300, and 12 smaller twin-jets in the A320 series.

The order is a coup for the Airbus consortium, in which British Aerospace has a 20 per cent stake, and will provide welcome work for BAe sites at Filton, near Bristol, and Chester.

Airbus had been losing out in recent sales campaigns to Boeing, its American arch-

rival. But ILFC, Airbus's biggest customer, split its order for widebodies. It also ordered 18 Boeing 777 twin-jets, the main rival to the A330/A340 series, yesterday, in a \$2.8 billion deal. The order has been placed in spite of reports of teething troubles with the Boeing jet.

Rolls-Royce Trent engines have been chosen to power four of the ILFC A330-300s, giving the manufacturer a

launch order on the new version. A bigger version of the Trent was also chosen for four of the 777s, bringing the total contract value for Rolls, based in Derby, to \$175 million.

Airlines worldwide are expected to place orders for 5,900 new aircraft worth \$1,100 billion over the next 20 years, according to an annual market forecast released by Boeing yesterday.

## Jobs boost for Swan Hunter

By ROSS TIEMAN, INDUSTRIAL CORRESPONDENT

SWAN HUNTER, the Tyneside shipyard bought from administrative receivers nine months ago by THC, the Dutch group, is expected to recruit more than 1,200 workers to complete the conversion of Solitaire, the 90,000-tonne bulk carrier, into a pipelaying vessel.

The yard has already received 4,000 applications from job-hunters, with two thirds of the applications coming from former employees. The Solitaire contract was won in the face of competition from yards in France, Germany and Italy.

Tom Brennan, chairman of the Tyne Confederation of Shipbuilding and Engineering Unions, and one of the leaders of a campaign to save the yard, said: "To win something so big suggests very well for the future, and we hope there will be more contracts like it to provide employment continuity."

The Ailsa-Perth shipyard at Troon in Scotland was placed in receivership yesterday, putting 150 jobs in jeopardy. A spokesman for KPMG, the accountants, blamed cashflow problems at the yard, which is building a ferry for the Orkney Islands Council and undertaking contracts for the Ministry of Defence. The receivers will endeavour to sell the business as a going concern.

### BUSINESS ROUNDUP

#### CBI European agenda

BRITAIN needs to re-establish its credibility in Europe, the CBI said yesterday as it set out the priorities for British business in the EU. Launching a series of events aimed at putting a new emphasis on what business wants in Europe, the CBI said there has been "too much emphasis on grand political themes and too limited an examination of the economic realities". It also gave warning of the dangers of not participating fully in talks on Europe's future.

#### End of line for duopoly

SHARES in British Telecom and Cable & Wireless slipped yesterday after the Government said that it may end their duopoly on international calls. The Department of Trade and Industry said that, after a consultation process due to end next month, new licences are likely to be issued by the summer and will lead to lower prices for consumers. BT shares fell 7½p to 369p and C&W 4p to 450p.

#### Woodchester advances

WOODCHESTER INVESTMENTS said yesterday that the 19 per cent rise in its annual profits to Ir£36.4 million reflected the reorganisation of Irish activities and a concentration on the core businesses of motor, business equipment, agricultural machinery and insurance premium financing. Assets grew to Ir£2.2 billion (Ir£1.8 billion). The dividend was raised to Ir£0.83p (Ir£0.94p).

#### Profit pledges

TWO building societies based in the Midlands pledged to pass on more of their annual profits to members as a sign of their commitment to mutualism. Birmingham Midshires reported a 21 per cent rise in profits to £63.9 million. Gross mortgage lending was up at £1.9 billion (£1.1 billion). The Derbyshire reported unchanged pre-tax profits of £21.3 million. Net lending fell to £48 million, from £92 million.

#### Record for Candover

CANDOVER, the venture and development capital investment trust, yesterday unveiled a record net asset value of £103.8 million (£84.35 million) and lifted its final dividend to 8.75p (8.1p). Pre-tax profits rose 7.6 per cent to £5.22 million. The group underlined its ability to spot potential winners by making a £12 million net gain on the realisation of ten investments, including six stock market flotations.

#### Unilever disposal

UNILEVER, the consumer products company, is to sell its main European mass-market colour cosmetics interests to Germany's Beiersdorf Group for an undisclosed amount. Beiersdorf is buying the business of Rimmel-Chicago, which has international rights to the Rimmel, Pierre Robert, Sensiq and Chicago brands, together with production facilities in Ashford, Kent, and near Düsseldorf in Germany.

#### MetroCentre plan

THE MetroCentre in Gateshead, Tyne and Wear, one of Europe's largest retail developments, is to be further extended at a cost of about £50 million. Capital Shopping Centres is seeking planning permission for a 380,000 sq ft extension providing new shops, including a Debenhams store, and a further 1,700 parking spaces. The extension will create 500 construction jobs and 1,000 retail jobs.

#### Britannia Life chief leaves

THE head of Britannia Life, a wholly-owned subsidiary of Britannia Building Society, has quit after a clash over the direction of the company (Caroline Merrell writes).

Peter Burdon, managing director, said: "We decided to part company. There has been a lot of changes in the company over the last few years. Britannia has decided it wants to consolidate its position." Britannia has expanded aggressively by acquisition in recent years. The company said it wanted to continue to expand organically rather than through acquisition. Until recently, Britannia was tipped as the next society most likely to convert.

#### TOURIST RATES

	Bank	Bank
	Buy	Sell
Australia \$	2.10	1.94
Austria Sch	18.91	15.41
Belgium Fr	49.47	45.17
Canada \$	2.205	2.045
Cyprus Cyp£	0.750	0.695
Denmark Kr	8.35	8.55
Finland Mkk	7.96	7.51
France Fr	9.16	8.63
Germany Dm	2.42	2.21
Greece Dr	389.00	364.00
Hong Kong \$	12.47	11.47
Italy Lira	1.02	0.94
Japan Yen	5.1500	4.5000
Netherlands Gld	2.475	2.220
Malta	175.30	159.30
Netherlands Gld	0.582	0.537
New Zealand \$	2.685	2.456
Norway Kr	10.44	9.64
Portugal Esc	246.00	227.50
S Africa Rd	6.46	5.96
Spain Ptas	166.00	145.00
Sweden Kr	11.08	10.38
Switzerland Fr	1.97	1.79
Turkey Lira	1.627	1.497
USA \$	1.627	1.497

Rates for small denomination bank notes only as supplied by Barclays Bank PLC. Different rates apply to travellers' cheques. Rates as at close of trading yesterday.

# B.A.T INDUSTRIES

## "An Outstanding Year"

Preliminary results for the year to 31 December 1995

PRE-TAX PROFIT	£2,384m	+26%
EARNINGS PER SHARE	47.70p	+19%
DIVIDENDS PER SHARE	24.00p	+10%
Additional FID payment on 1995 final	3.6875p	

- Pre-tax profit increased 26 per cent, from £1,885 million to £2,384 million, 21 per cent after excluding last year's £191 million reorganisation provision and the impact of disposals.
- Quantum leap forward for tobacco. Profit of £1,561 million, up 54 per cent, or 29 per cent excluding 1994's provision for reorganising American Tobacco. Cigarette sales rose 18 per cent to 670 billion. World market share grew from 10.7 per cent to 12.4 per cent.
- Robust performance in financial services. Trading profit up 7 per cent at £1,052 million, breaking £1 billion profit barrier for first time. General business profit rose 14 per cent to £624 million. Profit of £428 million from life and investment business was flat.
- Base dividend for year up 10 per cent. Total dividends, including Foreign Income Dividend additional payment, up 14 per cent.
- "Whether measured by pre-tax profit, earnings or dividend, 1995 was an outstanding year for B.A.T Industries. By developing and concentrating our management skills in financial services and tobacco, we are determined to continue delivering superior total returns for shareholders, over the long term."

Lord Cairns, Chairman

Full financial statements for the year ended 31/12/95 will be delivered to the Registrar of Companies and carry an unqualified audit report. The 1995 Annual Report is being posted to shareholders at the end of March. Copies of the preliminary announcement may be obtained from the Company Secretary, B.A.T Industries p.l.c., Windsor House, 50 Victoria Street, London SW1H 0NL.

مركزنا من الأصل



□ Takeovers prescribed for drugs giant □ Retailer needs swift appointment □ Spreading the good news on demerger

## Glaxo's missing formula

GLAXO's swoop last year on Wellcome was always driven by the need to offset the decline of Zantac, the ulcer treatment that has been the world's best-selling drug for a decade, with a new portfolio of classic compounds. What no one had appreciated was just how badly Glaxo really needed Wellcome.

Sir Richard Sykes, chief executive, spoke of the mounting threat to Zantac of generic competition, as expiring patents tempted in cheaper competition. This is the common enemy of all drug companies, who only have a few years to turn inspiration into profit, but yesterday marked the first time his company has offered much detail. Lehman Brothers, for example, believes that Zantac, sales of £2.25 billion last year, will be beaten into virtual extinction by the turn of the century. Glaxo's share price dived, leaving City traders broadly split on the stock.

The question now is whether Wellcome will be enough to take up the slack left by Zantac. Alas, probably not. Wellcome was not as dependent on a single drug but, on its own, that portfolio will not do the job. For example, sales of Wellcome's Zovirax, the shingles treatment that is the group's second largest earner, are al-

ready on the wane because of generic competition again.

Wellcome has bought some time for Glaxo, but it is now clear that its future, as with any other drug company, will depend on the successful development and launch of new products. The aim is to market three new compounds a year, each with annual sales of at least £500 million. Not an easy target. Making new commercial drugs is much more expensive than marketing existing ones, far too many promising ones losing their way on the rocky path of research and development. Little surprise that the City expects Glaxo's once-massive profit margins to fall over the next few years.

Another solution, of course, is to go out and buy another company. Analysts are already predicting that Glaxo will have to make another blockbuster acquisition to stay where it is, or ensure at least some growth. With Glaxo still digesting Wellcome, a purchase in the short term appears unlikely;

longer term, it is probably essential. Glaxo, as big as it is, has only 5 per cent of the global market. There will be further consolidation, even if the group may next time lack the advantage of a large stake in its target that can be won over like that held by the Wellcome Trust.

Glaxo has a fine history, and comprises the bulk of one of Britain's most important industries. On a good day, it has the largest capitalisation on the London stock market. But with Zantac on the way out, the glory days are over. Takeovers, as well as research and development, will define a difficult future.

### Keeping open House

IN HIS years at Williams Holdings Brian McGowan obviously learned well the subtle skill of dodging the flak. Management changes had been in the air at House of Fraser since last summer, even before January's

profits warning. But the betting had been that McGowan's job was on the line.



In the event, in the words of the poem, the dog it was that died. House of Fraser's unimpressive managing director, Andrew Jennings, was shown the door, rather than the pin-striped smoothie who was paid £1 million for his work in floating the company two years ago.

Life can be cruel, and Mr Jennings' sacking was greeted by the City with an abrupt jump in the share price. But his departure falls a long way short of the actions unhappy institutional shareholders who have been

pushing for management changes will need.

That price rise, to above their 180p value on flotation, puts the shares on exactly 20 times this year's earnings, or about twice what they are worth on fundamentals. House of Fraser is regarded by the market as a bid waiting to happen, and a vacuum at the top can only enhance that impression.

Both Mr McGowan, now executive chairman, and the other non-executives conspicuously lack retailing experience. The search for a new managing director starts here, and it had better be a short one.

Among the candidates must be David Dworkin, the former Storehouse chief who lit out in great haste to the United States. Two factors count against him. One is that early departure — the board will want some evidence of commitment. The other is that he would be ruinously expensive, having enjoyed a huge pay-off from Storehouse and an even bigger one from his next em-

ployer. Any package that might tempt him would stick in the craw of House of Fraser's already aggrieved shareholders.

### Cracking Hanson's tax code

NO ONE was ever quite sure why Hanson went into electrical retailing in the first place, but it must have had something to do with tax. The sale of the shops, for an undisclosed sum not unadjacent to nothing at all, only confirms the suspicion.

There was no reason to take on the burden; indeed, retail is far from being your typical Hanson business, which tends to be dirty and cash-generative. Then there was the hit on last month's closures. It was described as a "management exercise," yet the total cost cannot have left much change from £150 million — unless there is a tax angle.

Hanson is now in a low-key round of City briefings to explain some of the numbers behind the

conglomerate's badly received demerger plans. A confident study from Henderson Crosthwaite yesterday put a break-up value of 224p a share.

The shares have lost 22p, or a tenth of their value, since their first mark-up on the day the plans were announced and now stand at 189p. It is a fair bet the management will have a positive tale to tell, especially on tax, which may be rather lower than doubters had feared, and central costs, ditto. Rumours of the sale of Imperial Tobacco are well wide of the mark, but expect the share price to nudge up to at least the £2 level as the good news gets about.

### Migrating

RATHER a bad day for departures, really, what with Mr Jennings at House of Fraser, the refusal by Peter Burdon at Britannia Life to work for a dull old building society and the end of David Wellings's three-year stretch at Cadbury Schweppes. Mr Wellings has certainly managed the most graceful departure. The other two are off down the Social Security with various amounts tucked into their back pockets; he is retiring to Minorca to write about bird-watching.

### Nadir aide 'was sent £400,000'

THE sum of £400,000 sent by Polly Peck International (PPI) to a Swiss bank account was to be paid out in cash on receipt of satisfactory identification, the Central Criminal Court heard yesterday.

Instructions for the money to be paid personally to Elizabeth Forsyth were sent to SG Warburg Soditic from PPI in London. Mrs Forsyth, 59, denies two counts of handling nearly £400,000. The money was allegedly stolen from PPI by Asif Nadir.

Madeleine Schmucki, head of the credit department at the former Bank SG Warburg Soditic AG in Zurich, told the court of a telex requesting the transfer of £400,000 to the Geneva branch. The money was to be allocated in cash for collection by Mrs Forsyth. The trial continues today.

## Dr Pepper adds fizz to Cadbury profits

BY ALASDAIR MURRAY

THE £1.6 billion purchase of Dr Pepper/Seven-Up helped full-year profits at Cadbury Schweppes to fizzle to £526 million — 10 per cent higher than last year.

The chocolate and soft drinks company said profits from the US beverage division had increased 97 per cent to £240 million and that Dr Pepper's 10-month contribution had been earnings enhancing. Cadbury also revealed that it had received £10.8 million in profits from Camelot, the lottery operator which Cadbury part owns.

But shares in the company fell 19p to 536p over fears that earnings would be restricted next year by Cadbury's announcement that it wanted to

raise dividend cover and was considering making a £250 million rights issue on the New York Stock Exchange.

There was also concern over the appointment of a replacement for David Wellings, chief executive, who intends to step down in September.

Overall turnover grew 19 per cent to £4.75 billion. Margins were 13.6 per cent (12.5 per cent). The dividend rises 6.7 per cent to 16p. The figures include a £49 million restructuring charge, previously announced, and a £17 million profit from the disposal of ITnet, the company's IT subsidiary.

Profits in the beverage division increased 52 per cent to £409 million, with sales up 28

per cent at £2.8 billion. Cadbury said its Spanish operations had returned to profit and that it had enjoyed good growth in new markets.

The company also insisted that it had been a winner in last year's cola wars in spite of stiff competition from own brands and new entrants to the market, such as Virgin Cola. The hot summer helped volumes to increase by 11 per cent, while Cadbury claimed that Virgin had won just 2 per cent of the cola market.

Confectionary profits increased 2 per cent to £240 million as margins came under pressure, falling 7 percentage points to 12.2 per cent.

Tempos, page 26

### Kingfisher 1,000-job expansion

KINGFISHER, the retail group, and Staples, the American company, are to create more than 1,000 jobs over the next two years as part of their plan to open 30 office products superstores in the UK (Sarah Bagnall writes).

The joint venture already has 26 stores in the UK and plans to open another ten this year followed by a further 20 in 1997.

In line with projections, the stores made a loss of £7 million last year on sales of about £64 million. Turnover is forecast to reach £120 million this year and the stores are expected to break even in the final quarter. Tom Stemberg, founder and chairman of Staples, said: "There is room for several hundred stores in the UK. We plan to open stores as fast as we can."

## BSkyB buys into European pay TV

BY ERIC REGULY

BSKYB, the satellite broadcaster, yesterday entered the European pay television market by acquiring 25 per cent of Germany's Premiere channel for £270 million.

The deal marks BSKYB's first foreign investment and follows the breakdown of talks with CLT of Luxembourg, the TV and radio group that owns half of Talk Radio in Britain. CLT and BSKYB were examining the launch of a digital pay TV service in Germany.

BSKYB, which is 40 per cent owned by News International, owner of The Times, has also formed a strategic alliance with three European partners to develop digital pay TV businesses in Europe.

Premiere is Europe's only German-language pay TV

channel. It has 1.1 million cable and direct-to-home subscribers and is expected to break even in its 1996-97 financial year after having lost DM71 million last year.

BSKYB's purchase price works out to \$1,000 per subscriber. BSKYB bought half of its Premiere stake from Canal Plus, of France, and half from Bertelsmann, the German media company that launched Premiere. When the transaction is completed, each of the three will have a 25 per cent interest, the rest owned by Kirch Gruppe of Germany.

In its second deal, BSKYB will own 30 per cent of the strategic alliance, as will Bertelsmann and Canal Plus. Havas, the French advertising company, will own 10 per cent.

### Ex-chairmen of Lloyd's face action

THE Society of Lloyd's and nine former Lloyd's professionals, including three ex-chairmen, are being sued in the High Court for alleged breach of duty and deliberate concealment by John Donner, a former Lloyd's underwriting agent and name, and Patricia Donner, a name (Sarah Bagnall writes).

The former Lloyd's chairmen named in the writ are Sir Peter Green, Murray Lawrence, and Sir Peter Miller. A spokesman for Lloyd's of London said: "The core allegations have been examined by Lloyd's twice already." In 1989, four nominated members of the Council of Lloyd's reviewed Mr Donner's allegations. There was a second examination last year by Freshfields, Lloyd's legal adviser.

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of money, you can  
afford to make a stronger  
promise than others.

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STOCK MARKET

MICHAEL CLARK

# South West Water rises on talk of American bid

THE takeover spotlight switched to the water utilities as shares of South West Water leapt 30p to 538p amid speculation that the company could be on the receiving end of a bid from across the Atlantic.

City speculators have become excited by reports in the US financial press that California Water Services was looking to make a bid in this country. South West is viewed by City speculators as the most likely target.

They say the Americans might be prepared to offer about 600p a share valuing the entire company at £763 million. By the close of business last night 1 million South West shares had changed hands in a thin market where traders will normally only quote a price in 25,000 at a time.

Other water companies benefited from this latest flurry of speculation with Anglian rising 1p to 388p, Severn Trent 6p to 648p, Southern 9p to 607p, Thames 15p to 553p, and Yorkshire 6p to 650p.

Share prices generally found the going difficult. Investors were in a cautious mood before today's monthly economic meeting between Kenneth Clarke, the Chancellor, and Eddie George, the Bank Governor. A cut of about a quarter point is anticipated, but has already been taken into account by the market generally. The two men are not expected to meet until the afternoon which means any cut is unlikely to be sanctioned until tomorrow morning.

In the event, the FT-SE 100 index closed near its low for the day, in spite of another record-breaking run overnight on Wall Street, with a fall of 18.2 at 3,738.9. Total turnover reached 836 million swollen by a cross in 100 million shares at 1p in Dragon Oil, unchanged at 1p.

The reaction set in after a clutch of trading statements from leading companies that failed to meet expectations. At first glance, full-year figures from Glaxo Wellcome, Cadbury Schweppes and BAT Industries appeared impressive. But closer inspection put brokers on their guard. Glaxo was towards the bottom end of expectations with pre-tax profits up from £2.8 billion to £2.5 billion, it was achieved despite the expected 4 per cent downturn in sales of Zantac, its ulcer



Not so sweet: Dominic Cadbury and David Wellings

treatment, after expiry of its US patent. The group retained cheerful about current prospects and is optimistic about new drug projects starting to filter through.

But the Glaxo Wellcome share price finished nursing a fall of 46p at 876p with brokers having gleaned the impression from the company that it had already achieved most of

tax profits surging almost one-third to £2.38 billion. The City gave a lukewarm response to full-year figures from Cadbury Schweppes, where Dominic Cadbury is chairman and David Wellings, chief executive, with the price falling 19p to 536p. These showed pre-tax profits 10 per cent higher at £526 million which included a £49 million

Amstrad slipped 2p to 207p after losing its place as a constituent of the FT-SE Mid-250 index. This follows the plunge in its share price from a peak of 294p in October. It could now lose the support of the index tracking funds, which brokers fear could further undermine the price.

the cost-savings anticipated after last year's merger.

BAT Industries lost 1p to 561p after Martin Broughton, chief executive, told brokers organic growth was becoming more difficult to obtain and he did not anticipate the group achieving the same level during the next few years. Last year's figures saw the benefits of its \$1 billion acquisition of American Tobacco with pre-

charge relating to the cost of restructuring Dr Pepper. There seems to be light at the end of the tunnel relating to claims for asbestos at T&N, the automotive parts group.

Further provisions of up to £50 million are envisaged for 1996 but Sir Colin Hope, chairman, is confident this will be followed by a gradual decline. Pre-tax profits last

year bounced back from the previous year's depressed level of £10.7 million to close at £120.1 million. Negative comments made to brokers after publication of full-year figures left Vickers 9p down on the day at 278p.

A profits warning left Faber Prest 133p down at 415p. The group said the expected upturn in volumes in the British steel industry had failed to materialise. In fact further de-stocking had taken place with crude steel production dropping 12 per cent between November and January.

As a result, pre-tax profits for the year to September, 1996, would fall short of the £82 million achieved last year. Brokers had been forecasting a final £85 million but now looking for £7.25 million.

Speculative buying hoisted House of Fraser, the Army & Navy and Dickins & Jones stores group, 11p to 189p. On Wednesday, the troubled group sacked Andrew Jennings, managing director, leading to revived talk of a bid for the company. House of Fraser was quick to play down market speculation that Jennings would be replaced by David Dworkin, the former Storehouse boss.

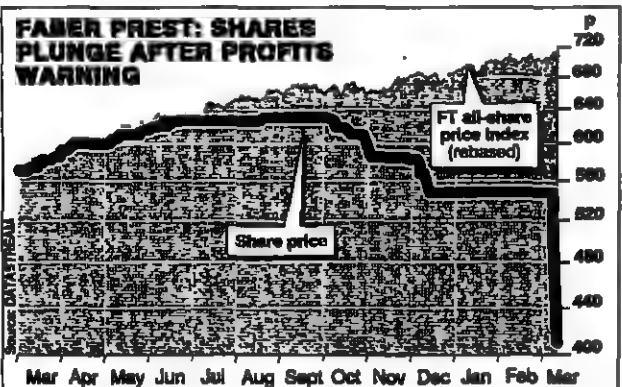
In Business, the former United Breweries, returned from suspension 4p higher 52p. The shares were suspended on January 10, after announcing the acquisition of Marr Luns, the group now has a 277-strong pub chain.

GLT-EDGED: Investors remained in apprehensive mood before today's monthly economic meeting with prices fluctuating in thin trading.

Most remain confident of a quarter-point cut in base rates to 6 per cent though such a move is already built into the price. Without any clear lead from German bunds, prices in London closed mixed on the day.

In the futures pit, the June series of the Long Gilt firmed a tick to £107 1/4 with the number of contracts totalling 50,000. Among conventional issues, benchmark Treasury 8 per cent 2015 lost a tick to £98 1/2, while at the shorter end Treasury 8 per cent 2000 shed a tick to £103 1/2.

NEW YORK: Interest in shares waned on Wall Street after Tuesday's excitement and by midday the Dow Jones Industrial average was 10.48 points lower at 5,631.94.



Mar Apr May Jun Jul Aug Sept Oct Nov Dec Jan Feb Mar

## MAJOR INDICES

New York (midday): Dow Jones 5,631.94 (-10.48) S&P Composite 653.99 (-1.53)

Tokyo: Nikkei Average 20,041.18 (-57.31)

Hong Kong: Hang Seng 11,378.73 (-75.59)

Amsterdam: EOE Index 518.23 (-0.93)

Sydney: All Ordinaries 2,201.1 (-6.48)

Frankfurt: DAX 2,066.04 (-12.99)

Singapore: Straits Times 2,457.79 (-22.44)

Brussels: CAC 40 3,025.89 (-3.68)

Zurich: SMI 2,499.90 (-4.08)

London: FT 100 2,794.9 (-13.0)

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## TEMPUS

### Just what the Dr ordered

CADBURY developed a taste for acquisitions last year which left some investors feeling a little queasy. At the time, the £1.6 billion purchase price of Dr Pepper/Seven-Up looked as rich as a Creme Egg.

Accusations that Cadbury's had overpaid were not borne out by yesterday's results. Dr Pepper produced an immediate return which Cadbury's said was worth around 2p of earnings, contrary to the company's earlier prediction that the impact of the acquisition on earnings would be broadly neutral. The American deal looked even sweeter given difficult conditions in the UK market which saw overall profits actually decline by 4 per cent last year.

In the circumstances this was not a bad performance. Cadbury benefited from a good balance in sales: while the hot summer hit

chocolate volumes, it also boosted sales of soft drinks. The company was a rare beneficiary of the National Lottery, with the profits generated from its involvement in Camelot outweighing a loss of sweet sales at non-lottery selling shops. Other pressures that hurt Cadbury's year are now easing, with raw material prices stabilising and Cadbury claiming a victory in the much hyped 'cola wars'.

The trading outlook looks healthy but Cadbury still carries the financial burden of the Dr Pepper acquisition. Gearing stands at 102 per cent, with interest cover at 5.6 times and dividend cover is also weak at 2.05 times. Added to that is the dilution from the proposed US share issue, all of which could slow the rate of dividend growth, hurting the share price in the short term.

## Vickers

VICKERS is making a good living selling hi-tech toys to the wealthy. In motors, Rolls-Royce has learnt the dangers of brand devaluation and has returned to its vocation, cossetting the super-rich. Cosworth, the high-performance engine specialist, is capitalising upon its proprietary casting technology to win orders from Jaguar and Vauxhall.

Big profit improvements from these activities are matched by acquisition-aided growth in the propulsion division. Products ranging from water jets for high-speed ferries to turbines for car turbochargers make the basis of a third leg for the Vickers group.

But it is defence, currently weak in profits, which carries the hopes and risks for the future. The gun on Vickers'

## CHALLENGE IN SIGHT



Mar Apr May Jun Jul Aug Sep Oct Nov Dec Jan Feb Mar

## the French Leduc for a 150-

tonk Saudi contract. In Malaysia, Vickers Mark 3 could outgun Polish and Czech T72s and Korea's M1 derivative for a 150-tonk contract.

If Vickers achieves profits of £89 million this year, the shares, at 154 times earnings, are fairly valued with a punt on the Challenger thrown in for now.

## BAT

HAVING chased BAT shares up on hopes it might demerge its financial services, or buy a building society, or both, the fickle stock market is now selling them because it is unlikely to do either.

BAT's non-tobacco businesses are looking dull, with the general insurance cycle in downward momentum and the life and pensions side taking an age to sort out its problems. Yesterday, BAT implicitly recognised that Allied has a disproportionately large share of the problem by adding £37 million to the pension mis-selling provision.

BAT is streamlining the UK life insurance business now split between Eagle Star and Allied Dunbar, but these are mature businesses and, if they are to hold their own, BAT needs to get better access to independent financial advisers who increasingly control the pensions market. More exciting would be a BAT

## takeover of Hanson's Imper-

ial Tobacco business. What drives the BAT share price is the rate of dividend growth, which is currently fuelled by tobacco sales.

Excluding the American Tobacco acquisition, cigarette sales grew by more than 11 per cent. Strong cash flow from exports may become more affected by expenditure on new plant as BAT begins to manufacture in emerging markets, but high single-digit growth in sales should keep dividends moving ahead strongly.

## T&N

CASH flow is the critical question at T&N. A company that is paying out £100 million a year in damages claims cannot afford to ignore the pennies and last year the company made a sterling effort to put right its cash management. An embarrassing outflow of almost £85 million into working capital in the first six months was more than put

## right in the second half after

more vigorous management of stock and debtors, leaving T&N with net cash flow before investment of £160 million.

Unfortunately, T&N was not able to offer as much reassurance that the strategy would be similarly conservative. The company invested £152 million last year in the business, 1.5 times the rate of depreciation and although less expenditure is anticipated this year, the level will remain high.

T&N argues that technological change in the motor industry means that it must invest to stay on top. Investors would agree with the premise but might question whether the company is likely to earn its target of a 20 per cent return. Growth is slowing in the sector and it will be interesting to see whether T&N can deliver in this market an extra £30 million from last year's spending.

EDITED BY CARL MORTIMER

## COMMODITIES

### LONDON COMMODITY EXCHANGE

Commodity	Price	Change
Cocoa	1,045.00	+0.25
May	1,045.00	+0.25
Jul	1,045.00	+0.25
Sep	1,045.00	+0.25
Dec	1,045.00	+0.25
Mar	1,045.00	+0.25
Volume	118	

## ICE-LONDON

### CRUDE OILS (Brent)

Commodity	Price	Change
Brent 15 day (Apr)	18.10	+0.40
Brent 15 day (May)	18.10	+0.40
WTI Intermediate (Apr)	18.10	+0.40
WTI Intermediate (May)	18.10	+0.40
WTI Intermediate (Jun)	18.10	+0.40
WTI Intermediate (Jul)	18.10	+0.40
WTI Intermediate (Aug)	18.10	+0.40
WTI Intermediate (Sep)	18.10	+0.40
WTI Intermediate (Oct)	18.10	+0.40
WTI Intermediate (Nov)	18.10	+0.40
WTI Intermediate (Dec)	18.10	+0.40
WTI Intermediate (Jan)	18.10	+0.40
WTI Intermediate (Feb)	18.10	+0.40
WTI Intermediate (Mar)	18.10	+0.40
WTI Intermediate (Apr)	18.10	+0.40
WTI Intermediate (May)	18.10	+0.40
WTI Intermediate (Jun)	18.10	+0.40
WTI Intermediate (Jul)	18.10	+0.40
WTI Intermediate (Aug)	18.10	+0.40
WTI Intermediate (Sep)	18.10	+0.40
WTI Intermediate (Oct)	18.10	+0.40
WTI Intermediate (Nov)	18.10	+0.40
WTI Intermediate (Dec)	18.10	+0.40
WTI Intermediate (Jan)	18.10	+0.40
WTI Intermediate (Feb)	18.10	+0.40
WTI Intermediate (Mar)	18.10	+0.40
WTI Intermediate (Apr)	18.10	+0.40
WTI Intermediate (May)	18.10	+0.40



# THE TIMES CITY DIARY

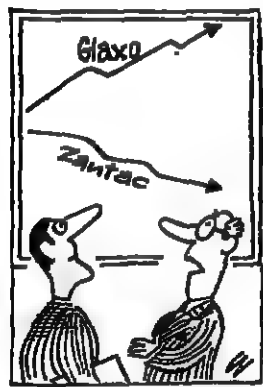
## Orange plan squashed

The future's Orange — unless you live on the doorstep of the company's Darlington headquarters. Tony Hepper, a steward at a Darlington working men's club, was so impressed with Orange's claim that it covers 90 per cent of the country, that he wanted to be connected. "I thought they were joking when I got a letter telling me I couldn't join the network. They're only a mile from my home so I thought someone was winding me up. I simply couldn't believe it."

A spokesman for Hutchison Telecom, Darlington's biggest employer with 1,000 staff — said: "It's true — there are a few streets in Darlington which can't be connected." It's all to do with radio waves being obstructed by certain buildings, the would-be Orange man was told.

## Warming to task

PTS, the central-heating group floated last March at 95p, was justifiably proud of its first annual results yesterday, showing a 32 per cent profit leap to £2.26 million. The board is also proud of the Western regional director who, in 1985, used to get up at 4am to sweep his warehouse to save the cost of a cleaner. For your part in achieving more profit, thank you Les Profit.



"Lower Zantac sales do nothing for my ulcers"

## Up all night

IF THE top brass at mining group RTZ look bleary today when presenting 1995 results, here's why. It is the first presentation of the combined RTZ-CRA group and for fairness, results were issued simultaneously in Melbourne and London. That made it 3am London time today when fax machines began to chatter. If that and a 27-page announcement were not enough, spare a thought for directors Leon Davis and Christopher Bull. They flew Down Under to handle the Australia end of the video conference link with London. At noon in London, it's 11pm in Melbourne.

## Old boys

TESCO and B&S's fresh forays abroad and M&S's sale of a Canadian chain have a common link. Terry Leahy, chief executive-designate, Tesco, has just been elected Alumnus of the Year of Unist's Manchester School of Management. Keith Oates, deputy chairman, M&S, is the new president of the Unist Association. Keith Edelman, chief executive B&S, is a former Unist student.

COLIN CAMPBELL

## Unemployment could fall even further without boosting inflation, but niggardly caution reigns

Kenneth Clarke must order another cut in base rates at today's monetary meeting if he is to be intellectually consistent. The Chancellor may annoy his right-wing colleagues with his advocacy of the single European currency but they may find themselves in a position to thank him for his other great enthusiasm.

Mr Clarke believes strongly that the Conservative supply-side reforms of the 1980s have permanently raised the rate at which the British economy can safely grow without reigniting inflation. He thought it a minor triumph that the Treasury mandarins were persuaded to lift their estimate of the economy's long-term sustainable growth rate from 2.25 per cent to 2.50 per cent, the number pencilled into November's Red Book. But, in his bones, Mr Clarke thinks that the true rate could be nearer 3 per cent. Surely the great Thatcherite programme of the 1980s yielded a little more than 0.25 per cent on the long-term growth potential of the British economy?

The implication of Mr Clarke's conviction is that he ought to cut rates again and again, first to return the economy to the 2.25 per cent growth path and then to a trajectory of somewhere between 2.5 and 3 per cent growth. If the Chancellor were to test his own theory by allowing himself to be genuinely bold on the interest rate front — and there are voices in the City calling for 5 per cent base rates — there would be a reasonable chance of some "feel-good" being around at election time and at least some of his detractors on the right might hang on to their seats.

But is Mr Clarke right? Looking at the investment side of the equation, there is no reason to think that the potential growth rate of the economy is any higher than it has been for the past 30 years. Neither, however, does there seem to be much firepower in the argument, perennially levelled at the Government by Labour, that low investment over the Conservative years has held Britain's growth potential down.

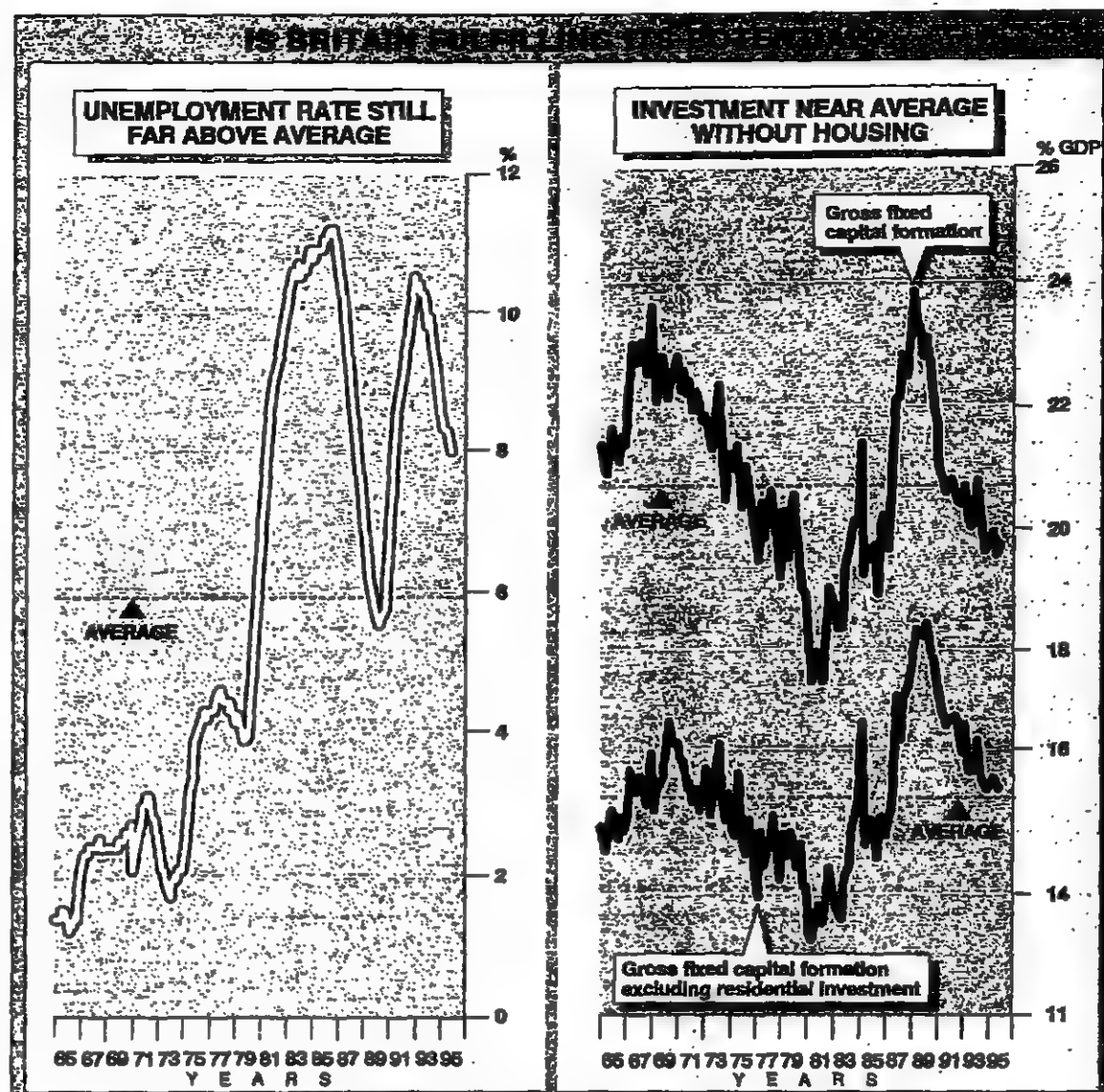
Gross fixed capital formation has run at an average of 20.8 per cent of gross domestic product since 1965. As of now, investment is running at around 19.8 per cent, about 1 per cent of GDP below the long-run average. But if residential property investment, (which of course has just been through a particularly extreme cycle) is stripped out, investment is actually a little above its long-term average.

Typical of the cautious view in the City, David Mackie, UK economist with J.P. Morgan, concludes that the Chancellor is being over-optimistic on Britain's growth potential and is therefore in danger of repeating the mistakes of the second half of the 1980s — albeit to a lesser extent — when Nigel Lawson overestimated the rate at which the economy could grow without igniting inflation.

Looking at the relationship between actual output and survey evidence of capacity usage and growth in the labour force, he estimates that manufacturing's growth potential is still around 2 per cent, the same as in the 1980s business cycle. The potential growth rate in services during the 1980s was reckoned to be around 2.5 per cent and he believes this is either unchanged or even a touch lower now.

In February 1982, the manager of Lloyd's audit department received a letter signed on behalf of the biggest and most prestigious of Lloyd's panel auditors. This letter stated that the impossibility of determining liability for unquantifiable asbestos claims was a factor affecting the adequacy of reserves and asked for instructions. It must be presumed that the (then) chairman of Lloyd's was made aware of this.

At that time Lloyd's could have gone into run-off and Mr Hartley's solution might have been the answer. In fact, this letter was concealed from names and Lloyd's went into a campaign to recruit new names who, for a time, absorbed those losses which had not



So, the jury is out but probably weighing against Mr Clarke's optimism on the investment side of the debate. But there is another aspect of the current argument on Britain's growth potential which is squarely in the Chancellor's favour. This is the labour market. If the labour market has become far more competitive and flexible since the early 1980s, then the economy can grow rapidly for several more years before the Chancellor even has to start worrying about the trend rate of growth. The trend growth rate only becomes relevant once the economy is at full employment — or more precisely at the "natural rate of unemployment" which economists define as the level of unemployment needed to maintain stable prices. If today's unemployment is far above this natural rate, then the economy can grow faster than its trend rate for

years without reigniting inflation. One of the positive surprises of this recovery has been the subdued response of wages both to renewed economic growth and sharp falls in unemployment. This has ignited a debate among economists about whether the natural rate of unemployment has fallen sharply because of the sweeping deregulation of the jobs market in the 1980s.

A seminar on the politics of full employment, hosted jointly this week by the Employment Policy Institute and the International Labour Office, was remarkable for the optimistic consensus reached on this point and for the fact that, even in this centre-left environment, Professor Patrick Minford's ultra-Thatcherite views appeared mainstream. Professor Minford argues that the level of

unemployment needed to maintain stable prices was between 2.5 and 3 million in 1980 but has dropped sharply to 1 million today, courtesy largely of the assault on trade union power and erosion of the value of benefits.

Economist Paul Ormerod agreed that something quite dramatic has changed: "The natural rate of unemployment has fallen substantially for the first time this century and this marks a very, very distinct break in the performance of the British labour market." The economic model of the

National Institute for Economic and Social Research, which spewed out dire predictions of rampant inflation in the wake of sterling's post-ERM devaluation, was dismissed as being plain wrong. It will be interesting to see whether this model's reputation will recover in the longer-term having got its equations so wrong this time around. Nobody offered a concrete thought on where the natural rate now is — although Professor Minford has talked of a 2 per cent natural rate. Few share such optimism but it is highly likely that most views of where the natural rate might be are overly pessimistic. Experience in the United States has already shown that a combination of a flexible labour market and technological change can significantly push the natural rate lower. The Fed currently appears to believe that unemployment, at 5.6 per cent, is close to its natural rate. A few years ago, most people thought the natural rate was 7 per cent. In Britain, the average unemployment rate over the past 30 years is just under 6 per cent. We are currently seeing unem-

ployment at around 8 per cent. If supply-side changes in the labour market have been as important as many economic experts now suggest, one could argue with considerable weight that unemployment could safely drop to 6 per cent — and well below — without prompting higher inflation.

This would be potentially fantastic news for all of us but for the damaging cross-party consensus in favour of niggardly caution. The truth is that neither hypothesis about whether Britain's long-term growth potential is higher or its natural rate of unemployment lower is likely to be tested because both major parties are hung up on old inflationary fears.

Somehow, this orthodoxy of defensive fiscal and monetary tightness must be broken. For Labour's part, perhaps it should acknowledge the positive trade-off between the flexible labour market and inflation, even if it doesn't approve of the social unease flexibility has undoubtedly created. For refreshing it would be if Labour applauded rate cuts instead of condemning them as a risk to inflation — there is something fairly silly when Labour talks like this. And if Mr Clarke is really so confident that his party's supply-side reforms have worked, then let him show some real conviction in monetary policy. There is something uncharacteristically wimpy in moving in ¼ points.

## Let Mr Clarke show conviction — there is something wimpy in ¼-point cuts

## BUSINESS LETTERS

### Scale of Lloyd's disaster greater than imagined

From Mr Robin Borwick

Sir, Mr James Hartley (letters, March 1) suggests that "names losses should be capped at deposit level" and says that he (and many others) would vote for a settlement reasonably close to this. I fear he has very little concept of the scale of the disaster facing Lloyd's.

In February 1982, the manager of Lloyd's audit department received a letter signed on behalf of the biggest and most prestigious of Lloyd's panel auditors. This letter stated that the impossibility of determining liability for unquantifiable asbestos claims was a factor affecting the adequacy of reserves and asked for instructions. It must be presumed that the (then) chairman of Lloyd's was made aware of this.

At that time Lloyd's could have gone into run-off and Mr Hartley's solution might have been the answer. In fact, this letter was concealed from names and Lloyd's went into a campaign to recruit new names who, for a time, absorbed those losses which had not

been disclosed. I have been a member of Lloyd's for nearly 40 years, and I love it and its ideals. Some few years ago I had to give instructions for a favourite horse (whom I had owned for 20 years) to be destroyed. I now feel the same about Lloyd's.

Yours faithfully,  
ROBIN BORWICK,  
Neptune House,  
Newells Lane,  
Bosham,  
West Sussex.

### It's time to be magnanimous

From Robert Hiscox  
Sir, Mr Hartley (letters, March 1) says that working names need a settlement more than anybody (meaning any other names). Not so. Working names underwrite for names through an annual agency contract. If the names withdraw their capital (or have it withdrawn following Lloyd's ceasing to trade) they can underwrite for other capital. Working name brokers will

continue to be employed and can place their business elsewhere, perhaps with the recapitalised Lloyd's underwriters.

The biggest losers will be the names, in particular the action group names. The latter are currently being offered 70 per cent of £2.8 billion. If there is no settlement, they will have to rely on the courts to fight for around £800 million to £1 billion, a great amount of which has already been earmarked. If Lloyd's ceases to trade, all payment of claims will presumably be controlled by the liquidator and the ability of Action Groups to get any payment, whatever the Court awards, will be seriously impaired.

The action group leaders have won a great victory in the offer to names of £2.8 billion. They should be magnanimous in victory and negotiate reasonable terms of surrender rather than continue to fight to destroy what is left. Yours faithfully,  
ROBERT HISCOX,  
Hiscox Holdings Ltd,  
52 Leadenhall Street,  
EC3.

### Amec investors took long view

From M. J. Matthews

Sir, I was frustrated to read the comment in *Permitting* that Amec "inevitably shook off the embrace" of Kvaerner, the Norwegian contractor, which has made an agreed bid for Trafalgar.

My understanding was that the earlier bid for Amec was defeated because small shareholders, like myself, remained loyal to the Amec management and saw no need to sell the company cheaply to satisfy an opportunistic bid from Kvaerner.

We perceived that Amec, with an increasingly international spread, deserved to keep its independence. In effect, we took the long view.

It's a great pity that the majority of journalists do not appear to take this stance — they exist for today's pungent remark and then move on!

Yours faithfully,  
M. J. MATTHEWS,  
11 Caxton Lane,  
Foston,  
Cambridge.

# Why British Gas needs an independent outsider

Noel Falconer, who is standing for election to the board, puts his case

British Gas is in terrible trouble. It has contracted to buy immense amounts of gas — £2,000 worth for every customer — at more than twice the current price. Its rooftop pipes, that this was to supply, have been ended. There are neither escape clauses nor provisions for renegotiation, and no redress at law. Losses could total £3 billion. The reserves to cover these have been frittered away. Dividends exceeded profits in each of the past four years.

How can it survive? First, it must correct the mistake that let these "take-or-pay" contracts pass unchallenged. First, because follies typically engender worse, Nick Leeson broke Barings in his panic to recover initial losses that did not begin to imperil the bank. Right now is the moment vigilance is most necessary.

The non-executive directors should have spotted the vulnerability before damage occurred. This was not difficult: the situation had only to be stated for its hazards to become blatant. These hugely talented people failed nonetheless. They were too busy — as busy as the seven present incumbents, who head 18 concerns, including Unilever

and not eliminated. Drawing that outside non-executive director from among them would be a gesture, but wise and welcome withal.

What matters, however, is the mitigation of those ruinous contracts. The worst quarter is in-house, with its exploration and production subsidiary. Closing down fields, leaving that gas where it is until it can be sold profitably, is entirely feasible. This would eliminate the oversupply and raise the price, in return for compensation from British Gas to British Gas, for moving money from one British Gas account to another. More real possibilities are that it would necessitate redundancies, infuriate the customers who had to pay more, and the Government, cause problems with the regulator, and savage the cash flow. These render a shutdown unacceptable if there is an alternative.

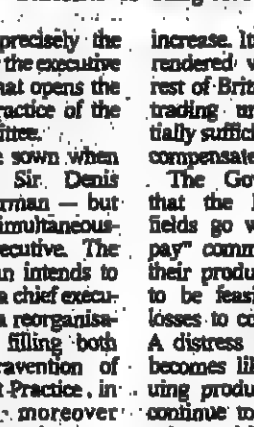
British Gas suggests that it demerge. This ignores the reconstruction in progress, at a cost of £1.65 billion and 2,500 jobs. If this is working it should not be disturbed; if not, we need to know what is wrong so we can avoid a repetition.

The original, cynical scheme would have demerged the disastrous contracts with the supply business into a separate company that, albeit crippled, would supply too many customers to be allowed to die, forcing the Government to rescue it, with taxpayers' money or by authorising a substantial price increase. Its shares would be rendered valueless; but the rest of British Gas would be trading unimpeded, potentially sufficiently profitably to compensate.

The Government insists that the Morecambe Bay fields go with the "take-or-pay" commitments. Halting their production then ceases to be feasible, causing the losses to continue unabated. A distress sale of the fields becomes likely, with continuing production that would continue to drive down gas prices; while the rump, deprived of its prime assets, grew slowly if at all. The demerger scheme has been emasculated.

The least-bad strategy appears to be that British Gas suspend its own production to mitigate its punishment; but otherwise to accept this, and not aggravate it in futile endeavours to avoid what is inevitable — and deserved. Small shareholders have required, under the Companies Act 1985 section 376, that the motion "that Noel Falconer be appointed a director of British Gas" be considered at the AGM on April 30 at the National Exhibition Centre, Birmingham.

Falconer: courting Sids



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## Rolls-Royce drives 67% acceleration at Vickers

By Ross Tye  
INDUSTRIAL CORRESPONDENT

RISING sales of tailor-made Rolls-Royce cars and a racing performance from Cosworth engines helped to drive Vickers' profits up 67 per cent to £75 million in the year to end-December.

The improvement came with a 57 per cent surge in sales, to £1.14 billion, as production of Challenger II tanks for the British Army got into full swing.

Some 50 Challenger IIs have been delivered, lifting defence turnover almost three-fold, to £354 million. But work on the £1.5 billion, 384-tank order has been held back by systems integration problems that cause the turret's target tracking to fail sporadically without warning.

Sir Colin Chandler, chief executive, said it was "not a big issue" — the system otherwise worked well and would be "de-bugged" without need for financial provisions. But caution over taking profit on the contract, and an 18-tank order from Oman, held back



Sir Colin Chandler hopes to revive the group's baby incubator business

defence profits to £15.9 million, up from £12.7 million.

Sales of Rolls-Royce and Bentley cars rose 10 per cent, to 1,556, while a combination of customised models and rising sales of aluminium engine castings produced by Cosworth's patent process al-

most doubled automotive profits, to £40.9 million.

With net cash of £22 million, Vickers is looking for bolt-on acquisitions to its propulsion business. It wants to lift sales, up 48 per cent to £238 million last year, into line with cars and defence.

New management has been ordered to sought out the long-sought baby incubator arm, while Riva, the power boat business, still struggles to break even. A final dividend of 4.3p, payable on May 3, makes 6.7p, up 41 per cent. *Times, page 26*

## Cape lifts profits to £11.5m

Cape, the manufacturer of insulation and building products, reported pre-tax profits of £11.5 million for the year to December 31 (£9.1 million for the nine months to December 31, 1994).

The total dividend for 1995 is 11p a share, with an 8p final (5.2p for nine months).

### GP cash call

Guinness Peat Group, the financial services group, is raising £15.3 million through a rights issue of one new share for every ten held at 30p each. There will also be a one-for-ten bonus issue. The company reported a rise in profits to £21.4 million before tax from £8.4 million. There is a dividend of 0.20p (nil).

### PTS higher

PTS Group, which distributes domestic central heating and sanitaryware, reported a 32 per cent rise in profits to £2.26 million before tax in the 12 months to December 31, its first full year since flotation. Earnings rose to 7.8p a share from 6.8p. There is a final dividend of 2.4p a share, due May 8, for a total 3.6p (2.2p).

### Merivale up

Merivale Moore, the commercial property investment and trading company, is increasing the interim dividend to 1.5p a share from 1.25p after a rise in pre-tax profits to £1.03 million from £852,000 in the six months ended December 31.

## Big business dispels recruitment fears

By David Melville

BIG companies are understandably suspicious about their chances of finding through the job columns the young high-flyers they need to bolster their management teams. However, many choose that route — and some live to regret it because they do not wish to devote time and effort to organising their own in-house training.

With its latest annual training award, the Chartered Institute of Management Accountants (CIMA) has brought into focus the fact that in-house training by big businesses can be highly successful.

Rolls-Royce, BOC Group and the Post Office have been named joint winners of the CIMA National Training Award this year. Apparently the judges could not slide a cigarette paper between the three contenders.

Interestingly, the winners are in very different business sectors. Yet the broad-based CIMA training syllabus and training system for management accountancy is proving sufficiently robust to cater for the disparate needs of all the three businesses.

Since the 1980s, the three winners have been recruiting and training young men and women to gain the CIMA qualification. They have been producing "home grown" young financial managers — people who by their mid-twenties can begin climbing the long and slippery ladder towards the boardroom.

The three companies have in common a system of sending recruits on a three-year journey of discovery through as many different departments of the business as possible. Often they will spend up to six months in a section carrying out a specific project. Meanwhile, they study in their spare time for the CIMA qualification and are given up to 40 days a



Alan McNab, second right, Cima president, with, from left, Bill Connell (BOC), Graham Mottram and Sam Smith

year by the firm for full-time study and exams.

Pay rates vary between the companies. Broadly speaking, a graduate will start the Cima route at between £13,500 and £16,000 a year and can expect to earn up to £32,000 a year on qualifying in their mid-twenties. The Post Office is the biggest employer of the three and the only one to run all its Cima training in-house. Students on the Post Office's corporate accounting training scheme have become known as the "cats". More than 80 have gone through the scheme and more than 20 are in training.

The effect upon the Post Office financial management structure of a stream of newly-qualified chartered management accountants has been considerable. Of 350 qualified accountants now employed by the Post Office, 230 are Cima qualified; and of 250 accountancy students in the business, 200 are Cima students.

Raj Pradhan of BOC says his company started its Cima scheme in the late 1980s because recruiting in the open market was failing to meet the company's requirements. "The salaries demanded were too high, and the quality of applicants not good enough," he said. BOC now recruits three or four graduates a year for the Cima course and looks initially for

competence rather than specific university qualifications.

At Rolls-Royce Aerospace, a young graduate on the Cima course stands a chance of working with the elite Trent engine team for part of the training period. There are four on the project at the moment. The Trent is the world's most powerful aircraft engine.

"We offer them an exciting training schedule," says Graham Mottram, financial controller of the Trent project. Rolls-Royce chooses four students a year from 200 applicants.

The three award winners say they are getting what they want from the Cima-trained business accountants who will identify with the workday aspects of the business. Company loyalty has also emerged as an important positive factor. After qualifying, more than 80 per cent of the Cima students remain with their businesses in a management post.

Sam Smith, who runs the Post Office accountancy training, said of the Cima scheme: "It is perceived here as the most appropriate qualification for a commercial environment."

David Melville is chairman of the Education and Training Committee of the Chartered Institute of Management Accountants

## Emap buys French consumer titles

EMAP, the media and publishing group, greatly expanded its French presence yesterday with the purchase of *Top Santé*, and *Télé Star*, two leading consumer titles, for £181 million (Eric Reguly writes).

The magazines were bought from CLT, the Luxembourg media group that controls the Country 1035 and Talk radio stations in Britain. CLT has been building

up its television interests in Germany and in the low countries.

*Top Santé*, a women's health and beauty magazine, has a circulation of 687,000 in France and Belgium. *Télé Star*, a TV listings magazine, has more than two million. Emap is also acquiring *Télé Star Jeux*, a puzzle magazine with a circulation of 216,000, plus 51 per cent of

the British edition of *Top Santé* and 40 per cent of the Dutch edition.

BSyB, the satellite TV company that is 40 per cent owned by News International, owner of *The Times*, confirmed talks with CLT about launching a digital TV service in Europe. BSyB said the talks were preliminary and unlikely to result in a deal in the near future.



### 1995 RESULTS

"Cadbury Schweppes' sales increased 19% in 1995 and the acquisition of Dr Pepper/Seven-Up transformed our global soft drinks position. Pre-tax profit increased 17% on an adjusted basis.

	Reported			Adjusted*		
	1995	1994	% Change	1995	1994	% Change
Sales	£m	£m		£m	£m	
	4,776	4,030	+19	4,776	4,030	+19
Trading Profit	£m	£m		£m	£m	
	600	504	+19	649	504	+29
Pre-tax Profit	£m	£m		£m	£m	
	526	478	+10	561	478	+17
Earnings per Share†	Pence	Pence		Pence	Pence	
	31.3	30.2	+3.6	32.8	30.2	+8.5
Dividend per Share†	Pence	Pence		Pence	Pence	
	16.0	15.0	+6.7	16.0	15.0	+6.7

\*1995 figures adjusted to exclude acquisition related restructuring costs of \$49m and profit on disposal of £14m.

†1994 comparative figures re-stated for rights issue/UESDA.

Adjusted earnings per share rose 8.5% and the proposed annual dividend for 1995 of 16.0 pence shows an increase of 6.7%.

Dr Pepper/Seven-Up's contribution exceeded expectations and confectionery acquisitions brought market leadership in Canada. Base business momentum was maintained with volume +5% in beverages and +2% in confectionery. Profit growth was achieved despite significant cost pressures. Global investment in new markets was accelerated while in the UK CCSB benefited from a hot summer and Cadbury UK gained market share.

I am confident that the strategic moves we are making are right for this business. We have shown that we can balance the need for current earnings and dividend growth while laying down the basis for future development. We have made a sound start to the year and I have confidence that we will make further progress in 1996."

*Dominic Cadbury*  
Dominic Cadbury, Chairman

**Cadbury Schweppes**  
MANAGEMENT PROVEN IN THE MARKET PLACE

## Europe ready for the pragmatic approach

A FEW years ago, the threat of European legislation was the most feared of all the accountancy profession's long-term doom-day scenarios. Accountants in London would glumly predict that rules from Brussels would strangle the profession's great economic freedoms. A return to the status of pedantic book-keepers was predicted.

All this overlooked two things. First, the different attitude towards legislation in this country compared with Europe. Many European countries introduced legislation to bar audit firms from selling consultancy services to their audit clients. It was felt that knowing consultancy fees were also on the line could harm the independence of the auditor's view.

Had such a rule been introduced in this country it would have been policed rigorously — that is the English way. But on the Continent it was very different. In short, if the rules made no sense, then they were ignored. But the English, as ever, preferred to think they were doomed.

The second reason why it would not come to pass is simply that of practicality. With a single market there was no possibility that Europe's complex and very different laws could be steamrollered into one set of universal rules.

This summer, the issues of audit regulation and corporate governance in Europe will be back on the agenda. But times have changed. The likelihood is that pragmatism will win the day. The European Commission should have its own research ready this month and hopes to produce a Green Paper by June.

In the meantime, to provide early background for the debate, Fee, the European accounting body, has published its summary of the issues involved. Called *The Role, Position and Liability of the Statutory Auditors in the European Union*, it covers the ground admirably. The project was run by David Darbyshire, the Fee vice-president, and the key section comes early on.

Having discussed the differences between

the member states' systems, it says that the concepts of subsidiarity and proportionality must be respected. "Uniformity is not an objective," it says, "and due regard should be paid to the positive features of member states' existing systems for corporate governance and the regulations of audit."

Or as Fee's secretary-general put it to me last week: "The wave is with us this time." The areas of tension have diminished. The Commission has generally become much less aggressive on legislation. There is now a new acceptance that one size does not fit all.

The signs were already plain last year when it backed down over the idea of creating separate European accounting standards. From now on the aim is to go with the mainstream if good and sensible work has already been done elsewhere. It is to be hoped that the same policy will triumph when it comes to deciding how to harmonise auditing standards as well.

The long debate over the sale of audit and consultancy services is drawing to a close. It is the practicalities of business which have won. The legislators now understand that there are synergies between audit and other services.

But even more telling has been the growing realisation of how important the small and medium-sized enterprises sector is to most European countries, and the political realisation that it would be impossible to tell the sector that it must incur twice the cost by having both an auditor and adviser.

The key to all this has been the rise of corporate governance as the main topic of the day. Audit is seen as central to the corporate governance process, so people have suddenly started learning what an audit can provide. There is a chance that aggravation could turn into admiration. All this sensible thought may unravel later. But it looks as though the changes ahead in Europe are to be based in future on how the system works rather than a desire to batter it into another shape.



ROBERT BRUCE

## ANY OTHER BUSINESS

### Registering some dismay

IT is remarkable the tangles in which the accountancy bodies can find themselves when they try to bring openness to their proceedings. This week, the English ICA considered compiling a public register of its council members' interests. It decided that such a thing "should not be introduced at the present time".

It had obviously learnt from the experience of the certified accountants. No sooner had they announced the existence of such a register than the indefatigable Professor Prem Sikka turned up to

have a look. Needless to say, it proved unavailable.

### Man of letters

SIKKA's correspondence with the secretariat of the certified accountants is boosting Post Office profits. His latest attempt at election to the council elicited a letter saying that candidates had to agree to a code of conduct barring members from saying anything in public "at variance" to the council's position. Further correspondence has ensued.

### Secret service

THE English ICA was pondering codes of confidential-

ity this week. But you can take secrecy too far. One section of its report said members should be "mindful of the advice on confidentiality set out in Attachment 2 to Annex B". It followed on with: "[not attached here]."

### Ethical blunder

EMBARRASSMENT for the English ICA over its own auditor. Under its ethical guidance, "an auditor's tenure of office shall not exceed seven years". But the gentlemen concerned have done it for far longer. So this year the institute intends to appoint the firms in which they are partners, and then put the audit out to tender.



## 3

## THE TIMES UNIT TRUST INFORMATION SERVICE

[illegible]



**TRADING PERIOD:** Settlement takes place five business days after the day of trade. Changes are calculated on the previous day's close, but adjustments are made when a stock is ex-dividend. Changes, yields and price/earnings ratios are based on middle prices.


1974-75		1973-74			1972-73		1971-72		1970-71		1969-70	
High	Low	Country	Price	+/-	%	High	Low	Country	Price	+/-	%	
415	180	Italy	414	-	3.8	558	265	Italy	517	+7	13.5	
390	182	Spain	390	-	1.0	558	265	Spain	517	+7	13.5	
380	182	Spain	380	-	1.0	558	265	Spain	517	+7	13.5	
370	182	Spain	370	-	1.0	558	265	Spain	517	+7	13.5	
360	182	Spain	360	-	1.0	558	265	Spain	517	+7	13.5	
350	182	Spain	350	-	1.0	558	265	Spain	517	+7	13.5	
340	182	Spain	340	-	1.0	558	265	Spain	517	+7	13.5	
330	182	Spain	330	-	1.0	558	265	Spain	517	+7	13.5	
320	182	Spain	320	-	1.0	558	265	Spain	517	+7	13.5	
310	182	Spain	310	-	1.0	558	265	Spain	517	+7	13.5	
300	182	Spain	300	-	1.0	558	265	Spain	517	+7	13.5	
290	182	Spain	290	-	1.0	558	265	Spain	517	+7	13.5	
280	182	Spain	280	-	1.0	558	265	Spain	517	+7	13.5	
270	182	Spain	270	-	1.0	558	265	Spain	517	+7	13.5	
260	182	Spain	260	-	1.0	558	265	Spain	517	+7	13.5	
250	182	Spain	250	-	1.0	558	265	Spain	517	+7	13.5	
240	182	Spain	240	-	1.0	558	265	Spain	517	+7	13.5	
230	182	Spain	230	-	1.0	558	265	Spain	517	+7	13.5	
220	182	Spain	220	-	1.0	558	265	Spain	517	+7	13.5	
210	182	Spain	210	-	1.0	558	265	Spain	517	+7	13.5	
200	182	Spain	200	-	1.0	558	265	Spain	517	+7	13.5	
190	182	Spain	190	-	1.0	558	265	Spain	517	+7	13.5	
180	182	Spain	180	-	1.0	558	265	Spain	517	+7	13.5	
170	182	Spain	170	-	1.0	558	265	Spain	517	+7	13.5	
160	182	Spain	160	-	1.0	558	265	Spain	517	+7	13.5	
150	182	Spain	150	-	1.0	558	265	Spain	517	+7	13.5	
140	182	Spain	140	-	1.0	558	265	Spain	517	+7	13.5	
130	182	Spain	130	-	1.0	558	265	Spain	517	+7	13.5	
120	182	Spain	120	-	1.0	558	265	Spain	517	+7	13.5	
110	182	Spain	110	-	1.0	558	265	Spain	517	+7	13.5	
100	182	Spain	100	-	1.0	558	265	Spain	517	+7	13.5	
90	182	Spain	90	-	1.0	558	265	Spain	517	+7	13.5	
80	182	Spain	80	-	1.0	558	265	Spain	517	+7	13.5	
70	182	Spain	70	-	1.0	558	265	Spain	517	+7	13.5	
60	182	Spain	60	-	1.0	558	265	Spain	517	+7	13.5	
50	182	Spain	50	-	1.0	558	265	Spain	517	+7	13.5	
40	182	Spain	40	-	1.0	558	265	Spain	517	+7	13.5	
30	182	Spain	30	-	1.0	558	265	Spain	517	+7	13.5	
20	182	Spain	20	-	1.0	558	265	Spain	517	+7	13.5	
10	182	Spain	10	-	1.0	558	265	Spain	517	+7	13.5	
0	182	Spain	0	-	1.0	558	265	Spain	517	+7	13.5	

358	280	St.	275	25	474	283	St. V.	670	-2	31
359	171	1479 St. Jean	188	31	368	284	St. V.	670	-2	31
360	172	1479 St. Jean	188	31	368	285	St. V.	670	-2	31
361	173	1479 St. Jean	188	31	368	286	St. V.	670	-2	31
362	174	1479 St. Jean	188	31	368	287	St. V.	670	-2	31
363	175	1479 St. Jean	188	31	368	288	St. V.	670	-2	31
364	176	1479 St. Jean	188	31	368	289	St. V.	670	-2	31
365	177	1479 St. Jean	188	31	368	290	St. V.	670	-2	31
366	178	1479 St. Jean	188	31	368	291	St. V.	670	-2	31
367	179	1479 St. Jean	188	31	368	292	St. V.	670	-2	31
368	180	1479 St. Jean	188	31	368	293	St. V.	670	-2	31
369	181	1479 St. Jean	188	31	368	294	St. V.	670	-2	31
370	182	1479 St. Jean	188	31	368	295	St. V.	670	-2	31
371	183	1479 St. Jean	188	31	368	296	St. V.	670	-2	31
372	184	1479 St. Jean	188	31	368	297	St. V.	670	-2	31
373	185	1479 St. Jean	188	31	368	298	St. V.	670	-2	31
374	186	1479 St. Jean	188	31	368	299	St. V.	670	-2	31
375	187	1479 St. Jean	188	31	368	300	St. V.	670	-2	31
376	188	1479 St. Jean	188	31	368	301	St. V.	670	-2	31
377	189	1479 St. Jean	188	31	368	302	St. V.	670	-2	31
378	190	1479 St. Jean	188	31	368	303	St. V.	670	-2	31
379	191	1479 St. Jean	188	31	368	304	St. V.	670	-2	31
380	192	1479 St. Jean	188	31	368	305	St. V.	670	-2	31
381	193	1479 St. Jean	188	31	368	306	St. V.	670	-2	31
382	194	1479 St. Jean	188	31	368	307	St. V.	670	-2	31
383	195	1479 St. Jean	188	31	368	308	St. V.	670	-2	31
384	196	1479 St. Jean	188	31	368	309	St. V.	670	-2	31
385	197	1479 St. Jean	188	31	368	310	St. V.	670	-2	31
386	198	1479 St. Jean	188	31	368	311	St. V.	670	-2	31
387	199	1479 St. Jean	188	31	368	312	St. V.	670	-2	31
388	200	1479 St. Jean	188	31	368	313	St. V.	670	-2	31
389	201	1479 St. Jean	188	31	368	314	St. V.	670	-2	31
390	202	1479 St. Jean	188	31	368	315	St. V.	670	-2	31
391	203	1479 St. Jean	188	31	368	316	St. V.	670	-2	31
392	204	1479 St. Jean	188	31	368	317	St. V.	670	-2	31
393	205	1479 St. Jean	188	31	368	318	St. V.	670	-2	31
394	206	1479 St. Jean	188	31	368	319	St. V.	670	-2	31
395	207	1479 St. Jean	188	31	368	320	St. V.	670	-2	31
396	208	1479 St. Jean	188	31	368	321	St. V.	670	-2	31
397	209	1479 St. Jean	188	31	368	322	St. V.	670	-2	31
398	210	1479 St. Jean	188	31	368	323	St. V.	670	-2	31
399	211	1479 St. Jean	188	31	368	324	St. V.	670	-2	31
400	212	1479 St. Jean	188	31	368	325	St. V.	670	-2	31
401	213	1479 St. Jean	188	31	368	326	St. V.	670	-2	31
402	214	1479 St. Jean	188	31	368	327	St. V.	670	-2	31
403	215	1479 St. Jean	188	31	368	328	St. V.	670	-2	31
404	216	1479 St. Jean	188	31	368	329	St. V.	670	-2	31
405	217	1479 St. Jean	188	31	368	330	St. V.	670	-2	31
406	218	1479 St. Jean	188	31	368	331	St. V.	670	-2	31
407	219	1479 St. Jean	188	31	368	332	St. V.	670	-2	31
408	220	1479 St. Jean	188	31	368	333	St. V.	670	-2	31
409	221	1479 St. Jean	188	31	368	334	St. V.	670	-2	31
410	222	1479 St. Jean	188	31	368	335	St. V.	670	-2	31
411	223	1479 St. Jean	188	31	368	336	St. V.	670	-2	31
412	224	1479 St. Jean	188	31	368	337	St. V.	670	-2	31
413	225	1479 St. Jean	188	31	368	338	St. V.	670	-2	31
414	226	1479 St. Jean	188	31	368	339	St. V.	670	-2	31
415	227	1479 St. Jean	188	31	368	340	St. V.	670	-2	31
416	228	1479 St. Jean	188	31	368	341	St. V.	670	-2	31
417	229	1479 St. Jean	188	31	368	342	St. V.	670	-2	31
418	230	1479 St. Jean	188	31	368	343	St. V.	670	-2	31
419	231	1479 St. Jean	188	31	368	344	St. V.	670	-2	31
420	232	1479 St. Jean	188	31	368	345	St. V.	670	-2	31
421	233	1479 St. Jean	188	31	368	346	St. V.	670	-2	31
422	234	1479 St. Jean	188	31	368	347	St. V.	670	-2	31
423	235	1479 St. Jean	188	31	368	348	St. V.	670	-2	31
424	236	1479 St. Jean	188	31	368	349	St. V.	670	-2	31
425	237	1479 St. Jean	188	31	368	350	St. V.	670	-2	31
426	238	1479 St. Jean	188	31	368	351	St. V.	670	-2	31
427	239	1479 St. Jean	188	31	368	352	St. V.	670	-2	31
428	240	1479 St. Jean	188	31	368	353	St. V.	670	-2	31
429	241	1479 St. Jean	188	31	368	354	St. V.	670	-2	31
430	242	1479 St. Jean	188	31	368	355	St. V.	670	-2	31
431	243	1479 St. Jean	188	31	368	356	St. V.	670	-2	31
432	244	1479 St. Jean	188	31	368	357	St. V.	670	-2	31
433	245	1479 St. Jean	188	31	368	358	St. V.	670	-2	31
434	246	1479 St. Jean	188	31	368	359	St. V.	670	-2	31
435	247	1479 St. Jean	188	31	368	360	St. V.	670	-2	31
436	248	1479 St. Jean	188	31	368	361	St. V.	670	-2	31
437	249	1479 St. Jean	188	31	368	362	St. V.	670	-2	31
438	250	1479 St. Jean	188	31	368	363	St. V.	670	-2	31
439	251	1479 St. Jean	188	31	368	364	St. V.	670	-2	31
440	252	1479 St. Jean	188	31	368	365	St. V.	670	-2	31
441	253	1479 St. Jean	188	31	368	366	St. V.	670	-2	31
442	254	1479 St. Jean	188	31	368	367	St. V.	670	-2	31
443	255	1479 St. Jean	188	31	368	368	St. V.	670	-2	31
444	256	1479 St. Jean	188	31	368	369	St. V.	670	-2	31
445	257	1479 St. Jean	188	31	368	370	St. V.	670	-2	31
446	258	1479 St. Jean	188	31	368	371	St. V.	670	-2	31
447	259	1479 St. Jean	188	31	368	372	St. V.	670	-2	31
448	260	1479 St. Jean	188	31	368	373	St. V.	670	-2	31
449	261	1479 St. Jean	188	31	368	374	St. V.	670	-2	31
450	262	1479 St. Jean	188	31	368	375	St. V.	670	-2	31
451	263	1479 St. Jean	188	31	368	376	St. V.	670	-2	31
452	264	1479 St. Jean	188	31	368	377	St. V.	670	-2	31
453	265	1479 St. Jean	188	31	368	378	St. V.	670	-2	31
454	266	1479 St. Jean	188	31	368	379	St. V.	670	-2	31
455	267	1479 St. Jean	188	31	368	380	St. V.	670	-2	31
456	268	1479 St. Jean	188	31	368	381	St. V.	670	-2	31
457	269	1479 St. Jean	188	31	368	382	St. V.	670	-2	31
458	270	1479 St. Jean	188	31	368	383	St. V.	670	-2	31
459	271	1479 St. Jean	188	31	368	384	St. V.	670	-2	31
460	272	1479 St. Jean	188	31	368	385	St. V.	670	-2	31
461	273	1479 St. Jean	188	31	368	386	St. V.	670	-2	31
462	274	1479 St. Jean	188	31	368	387	St. V.	670	-2	31
463	275	1479 St. Jean	188	31	368	388	St. V.	670	-2	31
464	276	1479 St. Jean	188	31	368	389	St. V.	670	-2	31
465	277	1479 St. Jean	188	31	368	390	St. V.	670	-2	31
466	278	1479 St. Jean	188	31	368	391	St. V.	670	-2	31
467	279	1479 St. Jean	188	31	368	392	St. V.	670	-2	31
468	280	1479 St. Jean	188	31	368	393	St. V.	670	-2	31
469	281	1479 St. Jean	188	31	368	394	St. V.	670	-2	31
470	282	1479 St. Jean	188	31	368	395	St. V.	670	-2	31
471	283	1479 St. Jean	188	31	368	396	St. V.	670	-2	31
472	284	1479 St. Jean	188	31	368	397	St. V.	670	-2	31
473	285	1479 St. Jean	188	31	368	398	St. V.	670	-2	31
474	286	1479 St. Jean	188	31	368	399	St. V.	670	-2	31
475	287	1479 St. Jean	188	31	368	400	St. V.	670	-2	31
476	288	1479 St. Jean	188	31	368	401	St. V.	670	-2	31
477	289	1479 St. Jean	188	31	368	402	St. V.	670	-2	31
478	290	1479 St. Jean	188	31	368	403	St. V.	670	-2	31
479	291	1479 St. Jean	188	31	368	404	St. V.	670	-2	31
480	292	1479 St. Jean	188	31	368	405	St. V.	670	-2	31
481	293	1479 St. Jean	188	31	368	406	St. V.	670	-2	31
482	294	1479 St. Jean	188	31	368	407	St. V.	670	-2	31
483	295	1479 St. Jean	188	31	368	408	St. V.	670	-2	31
484	296	1479 St. Jean	188	31	368	409	St. V.	670	-2	31
485	297	1479 St. Jean	188	31	368	410	St. V.	670	-2	31
486	298	1479 St. Jean	188	31	368	411	St. V.	670	-2	31
487	299	1479 St. Jean	188	31	368	412	St. V.	670	-2	31
488	300	1479 St. Jean	188	31	368	413	St. V.	670	-2	31
489	301	1479 St. Jean	188	31	368	414	St. V.	670	-2	31
490	302	1479 St. Jean	188	31	368	415	St. V.	670	-2	31
491	303	1479 St. Jean	188	31	368	416	St. V.	670	-2	31
492	304	1479 St. Jean	188	31	368	417				

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1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400	2401	2402	2403	2404	2405	2406	2407	2408	2409	2410	2411	2412	2413	2414	2415	2416	2417	2418	2419	2420	2421	2422	2423	2424	2425	2426	2427
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1981	68.3	69.3	69.7	70.0	70.4	70.8	71.2	71.6	72.0	72.4	72.8	73.2	73.6	74.0	74.4	74.8	75.2	75.6	76.0	76.4	76.8	77.2	77.6	78.0	78.4	78.8	79.2	79.6	80.0	80.4	80.8	81.2	81.6	82.0	82.4	82.8	83.2	83.6	84.0	84.4	84.8	85.2	85.6	86.0	86.4	86.8	87.2	87.6	88.0	88.4	88.8	89.2	89.6	90.0	90.4	90.8	91.2	91.6	92.0	92.4	92.8	93.2	93.6	94.0	94.4	94.8	95.2	95.6	96.0	96.4	96.8	97.2	97.6	98.0	98.4	98.8	99.2	99.6	100.0	100.4	100.8	101.2	101.6	102.0	102.4	102.8	103.2	103.6	104.0	104.4	104.8	105.2	105.6	106.0	106.4	106.8	107.2	107.6	108.0	108.4	108.8	109.2	109.6	110.0	110.4	110.8	111.2	111.6	112.0	112.4	112.8	113.2	113.6	114.0	114.4	114.8	115.2	115.6	116.0	116.4	116.8	117.2	117.6	118.0	118.4	118.8	119.2	119.6	120.0	120.4	120.8	121.2	121.6	122.0	122.4	122.8	123.2	123.6	124.0	124.4	124.8	125.2	125.6	126.0	126.4	126.8	127.2	127.6	128.0	128.4	128.8	129.2	129.6	130.0	130.4	130.8	131.2	131.6	132.0	132.4	132.8	133.2	133.6	134.0	134.4	134.8	135.2	135.6	136.0	136.4	136.8	137.2	137.6	138.0	138.4	138.8	139.2	139.6	140.0	140.4	140.8	141.2	141.6	142.0	142.4	142.8	143.2	143.6	144.0	144.4	144.8	145.2	145.6	146.0	146.4	146.8	147.2	147.6	148.0	148.4	148.8	149.2	149.6	150.0	150.4	150.8	151.2	151.6	152.0	152.4	152.8	153.2	153.6	154.0	154.4	154.8	155.2	155.6	156.0	156.4	156.8	157.2	157.6	158.0	158.4	158.8	159.2	159.6	160.0	160.4	160.8	161.2	161.6	162.0	162.4	162.8	163.2	163.6	164.0	164.4	164.8	165.2	165.6	166.0	166.4	166.8	167.2	167.6	168.0	168.4	168.8	169.2	169.6	170.0	170.4	170.8	171.2	171.6	172.0	172.4	172.8	173.2	173.6	174.0	174.4	174.8	175.2	175.6	176.0	176.4	176.8	177.2	177.6	178.0	178.4	178.8	179.2	179.6	180.0	180.4	180.8	181.2	181.6	182.0	182.4	182.8	183.2	183.6	184.0	184.4	184.8	185.2	185.6	186.0	186.4	186.8	187.2	187.6	188.0	188.4	188.8	189.2	189.6	190.0	190.4	190.8	191.2	191.6	192.0	192.4	192.8	193.2	193.6	194.0	194.4	194.8	195.2	195.6	196.0	196.4	196.8	197.2	197.6	198.0	198.4	198.8	199.2	199.6	200.0	200.4	200.8	201.2	201.6	202.0	202.4	202.8	203.2	203.6	204.0	204.4	204.8	205.2	205.6	206.0	206.4	206.8	207.2	207.6	208.0	208.4	208.8	209.2	209.6	210.0	210.4	210.8	211.2	211.6	212.0	212.4	212.8	213.2	213.6	214.0	214.4	214.8	215.2	215.6	216.0	216.4	216.8	217.2	217.6	218.0	218.4	218.8	219.2	219.6	220.0	220.4	220.8	221.2	221.6	222.0	222.4	222.8	223.2	223.6	224.0	224.4	224.8	225.2	225.6	226.0	226.4	226.8	227.2	227.6	228.0	228.4	228.8	229.2	229.6	230.0	230.4	230.8	231.2	231.6	232.0	232.4	232.8	233.2	233.6	234.0	234.4	234.8	235.2	235.6	236.0	236.4	236.8	237.2	237.6	238.0	238.4	238.8	239.2	239.6	240.0	240.4	240.8	241.2	241.6	242.0	242.4	242.8	243.2	243.6	244.0	244.4	244.8	245.2	245.6	246.0	246.4	246.8	247.2	247.6	248.0	248.4	248.8	249.2	249.6	250.0	250.4	250.8	251.2	251.6	252.0	252.4	252.8	253.2	253.6	254.0	254.4	254.8	255.2	255.6	256.0	256.4	256.8	257.2	257.6	258.0	258.4	258.8	259.2	259.6	260.0	260.4	260.8	261.2	261.6	262.0	262.4	262.8	263.2	263.6	264.0	264.4	264.8	265.2	265.6	266.0	266.4	266.8	267.2	267.6	268.0	268.4	268.8	269.2	269.6	270.0	270.4	270.8	271.2	271.6	272.0	272.4	272.8	273.2	273.6	274.0	274.4	274.8	275.2	275.6	276.0	276.4	276.8	277.2	277.6	278.0	278.4	278.8	279.2	279.6	280.0	280.4	280.8	281.2	281.6	282.0	282.4	282.8	283.2	283.6	284.0	284.4	284.8	285.2	285.6	286.0	286.4	286.8	287.2	287.6	288.0	288.4	288.8	289.2	289.6	290.0	290.4	290.8	291.2	291.6	292.0	292.4	292.8	293.2	293.6	294.0	294.4	294.8	295.2	295.6	296.0	296.4	296.8	297.2	297.6	298.0	298.4	298.8	299.2	299.6	300.0	300.4	300.8	301.2	301.6	302.0	302.4	302.8	303.2	303.6	304.0	304.4	304.8	305.2	305.6	306.0	306.4	306.8	307.2	307.6	308.0	308.4	308.8	309.2	309.6	310.0	310.4	310.8	311.2	311.6	312.0	312.4	312.8	313.2	313.6	314.0	314.4	314.8	315.2	315.6	316.0	316.4	316.8	317.2	317.6	318.0	318.4	318.8	319.2	319.6	320.0	320.4	320.8	321.2	321.6	322.0	322.4	322.8	323.2	323.6	324.0	324.4	324.8	325.2	325.6	326.0	326.4	326.8	327.2	327.6	328.0	328.4	328.8	329.2	329.6	330.0	330.4	330.8	331.2	331.6	332.0	332.4	332.8	333.2	333.6	334.0	334.4	334.8	335.2	335.6	336.0	336.4	336.8	337.2	337.6	338.0	338.4	338.8	339.2	339.6	340.0	340.4	340.8	341.2	341.6	342.0	342.4	342.8	343.2	343.6	344.0	344.4	344.8	345.2	345.6	346.0	346.4	346.8	347.2	347.6	348.0	348.4	348.8	349.2	349.6	350.0	350.4	350.8	351.2	351.6	352.0	352.4	352.8	353.2	353.6	354.0	354.4	354.8	355.2	355.6	356.0	356.4	356.8	357.2	357.6	358.0	358.4	358.8	359.2	359.6	360.0	360.4	360.8	361.2	361.6	362.0	362.4	362.8	363.2	363.6	364.0	364.4	364.8	365.2	365.6	366.0	366.4	366.8	367.2	367.6	368.0	368.4	368.8	369.2	369.6	370.0	370.4	370.8	371.2	371.6	372.0	372.4	372.8	373.2	373.6	374.0	374.4	374.8	375.2	375.6	376.0	376.4	376.8	377.2	377.6	378.0	378.4	378.8	379.2	379.6	380.0	380.4	380.8	381.2	381.6	382.0	382.4	382.8	383.2	383.6	384.0	384.4	384.8	385.2	385.6	386.0	386.4	386.8	387.2	387.6	388.0	388.4	388.8	389.2	389.6	390.0	390.4	390.8	391.2	391.6	392.0	392.4	392.8	393.2	393.6	394.0	394.4	394.8	395.2	395.6	396.0	396.4	396.8	397.2	397.6	398.0	398.4	398.8	399.2	399.6	400.0	400.4	400.8	401.2	401.6	402.0	402.4	402.8	403.2	403.6	404.0	404.4	404.8	405.2	405.6	406.0	406.4	406.8	407.2	407.6	408.0	408.4	408.8	409.2	409.6	410.0	410.4	410.8	411.2	411.6	412.0	412.4	412.8	413.2	413.6	414.0	414.4	414.8	415.2	415.6	416.0	416.4	416.8	417.2	417.6	418.0	418.4	418.8	419.2	419.6	420.0	420.4	420.8	421.2	421.6	422.0	422.4	422.8	423.2	423.6	424.0	424.4	424.8	425.2	425.6	426.0	426.4	426.8	427.2	427.6	428.0	428.4	428.8	429.2	429.6	430.0	430.4	430.8	431.2	431.6	432.0	432.4	432.8	433.2	433.6	434.0	434.4	434.8	435.2	435.6	436.0	436.4	436.8	437.2	437.6	438.0	438.4	438.8	439.2	439.6	440.0	440.4	440.8	441.2	441.6	442.0	442.4	442.8	443.2	443.6	444.0	444.4	444.8	445.2	445.6	446.0	446.4	446.8	447.2	447.6	448.0	448.4	448.8	449.2	449.6	450.0	450.4	450.8	451.2	451.6	452.0	452.4	452.8	453.2	453.6	454.0	454.4	454.8	455.2	455.6	456.0	456.4	456.8	457.2	457.6	458.0	458.4	458.8	459.2	459.6	460.0	460.4	460.8	461.2	461.6	462.0	462.4	462.8	463.2	463.6	464.0	464.4	464.8	465.2	465.6	466.0	466.4	466.8	467.2	467.6	468.0	468.4	468.8	469.2	469.6	470.0	470.4	470.8	471.2	471.6	472.0	472.4	472.8	473.2	473.6	474.0	474.4	474.8	475.2	475.6	476.0	476.4	476.8	477.2	477.6	478.0	478.4	478.8	479.2	479.6	480.0	480.4	480.8	481.2	481.6	482.0	482.4	482.8	483.2	483.6	484.0	484.4	484.8	485.2	485.6	486.0	486.4	486.8	487.2	487.6	488.0	488.4	488.8	489.2	489.6	490.0	490.4	490.8	491.2	491.6	492.0	492.4	492.8	493.2	493.6	494.0	494.4	494.8	495.2	495.6	496.0	496.4	496.8	497.2	497.6	498.0	498.4	498.8	499.2	499.6	500.0	500.4	500.8	501.2	501.6	502.0	502.4	502.8	503.2	503.6	504.0	504.4	504.8	505.2	505.6	506.0	506.4	506.8	507.2	507.6	508.0	508.4	508.8	509.2	509.6	510.0	510.4	510.8	511.2	511.6	512.0	512.4	512.8	513.2	513.6	514.0	514.4	514.8	515.2	515.6	516.0	516.4	516.8	517.2	517.6	518.0	518.4	518.8	519.2	519.6	520.0	520.4	520.8	521.2	521.6	522.0	522.4	522.8	523.2	523.6	524.0	524.4	524.8	525.2	525.6	526.0	526.4	526.8	527.2	527.6	528.0	528.4	528.8	529.2	529.6	530.0	530.4	530.8	531.2	531.6	532.0	532.4	532.8	533.2	533.6	534.0	534.4	534.8	535.2	535.6	536.0	536.4	536.8	537.2	537.6	538.0	538.4	538.8	539.2	539.6	540.0	540.4	540.8	541.2	541.6	542.0	542.4	542.8	543.2	543.6	544.0	544.4	544.8	545.2	545.6	546.0	546.4	546.8	547.2	547.6	548.0	548.4	548.8	549.2	549.6	550.0	550.4	550.8	551.2	551.6	552.0	552.4	552.8	553.2	553.6	554.0	554.4	554.8	555.2	555.6	556.0	556.4	556.8	557.2	557.6	558.0	558.4	558.8	559.2	559.6	560.0	560.4	560.8	561.2	561.6	562.0	562.4	562.8	563.2	563.6	564.0	564.4	564.8	565.2	565.6	566.0	566.4
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## ■ FILM 1

Wigs abound, but the story goes cold in an adaptation of Rose Tremain's *Restoration*



## ■ FILM 2

Emir Kusturica's *Underground* weaves a quirky fantasy out of half a century of Balkan history

THE TIMES  
ARTS

## ■ FILM 3

Ruth Rendell provides Claude Chabrol with the plot of *La Cérémonie*, his best film in years



## ■ TOMORROW

Holly Johnson on mounting an exhibition of his own art; plus reviews of the new pop albums

CINEMA: Robert Downey Jr progresses from rake to hero in *Restoration*. Geoff Brown is not impressed

# No fireworks from a prig in a wig

Increasingly, characters in the movies have two modes of dress. They wear tattoos, sweat-shirts, and machineguns. Or they flaunt riding boots, plumed hats and beauty spots. The latter fashion reaches a peak in *Restoration*. Hugh Grant — don't worry, his part is small — goes about with two beauty spots neatly sprinkled among lipstick and rouge. Robert Downey Jr, the picture's hero, sports an impossible array of feathery hats, cascading periwigs and brocaded tunics outshone only by the wardrobe of Charles II (Sam Neill).

On the face of things, a movie could not fly further from current reality, or the nightmare of a film such as *Strange Days*. Yet the American director of *Restoration*, Michael Hoffman (his last film was *Soapdish*), still claims contemporary resonances to the story embedded in Rose Tremain's novel.

He is right, in some senses. Downey's physician, Robert Merivel, experiences ambition and greed and the vicious gulf between rich and poor in his journey through Charles II's reign: characteristics all visible in society today. In the realm of medicine, scientific inquiry is ousting old superstitions; new technology is on the march. And any character played by Downey has an ease, a cockiness, that appears modern: this is all part of the man's appeal.

In other ways, *Restoration* is thunderingly old-fashioned, and this affects its hold on audiences. At first Merivel is portrayed as a gifted physician who loses his way at Court: he serves the King as a "paper bridegroom" (the nominal husband of the Royal Mistress), and indulges his tastes in wine, women and song. So far so good, although Rupert Walters' script could have greater bite, and Hoffman could make it easier to separate people from props.

But then the rake gets his boring, comeuppance. The Royal favour is removed when Downey takes his marital duties with Polly Walker too seriously. Opulence vanishes. Enter grinding poverty, rain and mud. Falling in with David Thewlis as a Quaker asylum, Downey helps an Irish girl (Meg Ryan, no less) take steps towards sanity. He returns to town in 1665, just in time to do further good deeds

**Restoration**  
Odeon West End  
15.118 mins  
Costume spectacular  
loses its way

**Underground**  
Lumiere, 15.167 mins  
Exhausting epic about  
the warring Balkans

**La Cérémonie**  
MGM Haymarket  
15.112 mins  
Claude Chabrol  
bounces back

during the bubonic plague and the Great Fire of London. But who wants to see a rake reformed? The devil has all the best tunes, and once they've been played, *Restoration* heads down a cul-de-sac. Ryan's participation is brief and none too effective, except as window-dressing for punters. Grant, who made his debut in Hoffman and Walters's undergraduate melodrama *Privileged*, equally comes and goes as a conniving portrait painter.

The main players do their stuff well, while production designer Eugenio Zanetti, costume designer James Acheson and cameraman Oliver Stapleton work hard to suggest a far larger budget than the \$15 million actually bequeathed by Miramax. You begin the film gawping in awe. Then the story grows dumb, and you shrug your shoulders.

Overkill is not a disease confined to cinema's mainstream. Look at Emir Kusturica's comedy epic about the Balkans, *Underground*, the top prizewinner at Cannes last year, filmed in Prague, Belgrade and Bulgaria. At two hours and 27 minutes, it now runs 25 minutes less than it did. But, in his first European project after a period in America, Kusturica still rambles over the screen, blasting eyes and ears, rarely letting a subtle hint pass when a hammer blow will do.

The opening promises a splendid time. It is 1941, in Belgrade. A band, full of raucous compah, gallops through the streets. The festive mood stops abruptly when German bombs rain down during feeding time at the zoo. Surreal carnage follows. Animals roam among ruined buildings. This is confident, marvellous image-making.



The news travels like fire from Pudding Lane that even the special effects cannot prevent Michael Hoffman's *Restoration* being a bit of a damp squib

Stories and characters are then set up. Two friends, Marko and Blacky, thrive as black marketeers under Nazi rule. There is Natalija, the actress for whom both have eyes, although a Nazi officer wins the prize.

Time marches on: Marko (Milo Manojlovic) confines the injured Blacky to the underground retreat where resistance workers manufacture arms, while seducing Natalija (Mirjana Jokovic) above ground. The war ends and Tio takes control of the country, but Marko keeps this a secret from the minions in their cellar: he enjoys the profits too much to change.

Kusturica, too, keeps his own war going, pushing hard, never letting performers ease up or quiet reign on the soundtrack. You could accept this barrage with more equa-

nimity if the visual imagination did not often suggest third-rate Fellini; or if the film did not belabour the central conceit of Tio's Yugoslavia living a lie fed by fear, propaganda and a siege mentality.

When the deluded partisans finally rediscover a world beyond their underground kingdom — an impressive design feat by Miljen "Kreka" Kijakovic — illusion still rules. They land on the set of a patriotic war film; and the absurdity continues as Kusturica takes his characters, tricksters, idealists and all, into the present Balkan chaos. Kusturica was born in Sarajevo, in 1955, and the film's refusal to condemn Serbian aggression brought vociferous complaints that stung the director into announcing his withdrawal from film-making (he has since withdrawn his

withdrawal). But the problem of *Underground* lies not in any partisan slant, but in its simplistic, unvarying approach. Certainly war needs to be waged against war, but Kusturica's blunderbuss of a film is not the most effective weapon.

These days you never know what to expect from Claude Chabrol: something unwatchable, or something with a distant echo of his great films of the late Sixties and Seventies? *La Cérémonie*, however, fits neither category, for it blends humour, menace and a rigorous observation in a manner so confident that you soon realise that you are watching Chabrol's best film in years.

The material is English — Ruth Rendell's novel *A Judgment in Stone* — but Chabrol transfers its characters to con-

temporary, wind-swept Brittany. He clearly feels completely at home with the class barriers, resentments and secrets that govern the well-heeled Lelièvre family and Sophie, their new housekeeper.

Sophie (Sandrine Bonnaire) is a mystery. She does her work, then watches TV. She talks little; to most questions she answers: "I don't know". To her employers' disavowal, she strikes up a friendship with Jeanne, the insolent village postmistress played by Isabelle Huppert, the kind of person who gaily enters a house by the window and possibly opens M. Lelièvre's mail. The two misfits spark each other off, and the sparks produce a violent explosion.

As of old, Chabrol reveals an eagle eye for the minute details of social status and domestic routine. Key scenes

revolve round the consumption of meals and the watching of TV: the Lelièvres prefer *Don Giovanni*, while Sophie basks in trashy gameshows.

Characterisation is vital to *La Cérémonie*: for Chabrol, as for Rendell, the big question is not whodunnit, but why. Luckily, the players never put a foot wrong. As Sophie, Bonnaire exploits her special gift for suggesting and tantalising through the slightest look, while Huppert is delightfully perky, gum in mouth, saucy red hat perched on her head.

On the other side of the class divide, Jacqueline Bisset and Jean-Pierre Cassel pleasantly avoid caricature as the comfortable couple who pride themselves a little too prematurely on their perfect home help. A crisp, chilly and satisfying film.

WITH the millennium fast approaching, bearing carloads of audio and videotape through which we shall be obliged to revisit this century and peer into the next, a mere half-century is going to have to take its chances where it can.

Therefore the 1950s retrospective has arrived halfway through the 1990s, a necessarily premature commemoration for a decade which has undoubtedly been at once the most grim and the most promising of my lifetime.

*The Fifties*, a season on Radio 3, had two programmes on Monday night that demonstrated how radio's better moments often take conventional pegs and hang some original clothing on them.

Both programmes had memoirs at their centre, one real and one fictional. The first, of the three-part *In The Fifties* featured Ronald Pickup reading the memoirs of Peter Vansittart, a former London teacher.

*In The Fifties* aims to focus on the shifting postwar relationships between adults and children, and this one featured the rise of the Teddy Boys and the emergence of youth culture, idols such as James Dean.

I felt that Vansittart gave insufficient weight to the coming of rock'n'roll, which surely, and for the first time, offered young people an outlet for self-expression which wholly excluded their parents.

Monday's other contribution to the season was a drama-documentary, *The Quatermass Memoirs*. Professor Bernard Quatermass, the fictional creation of Nigel Kneale, was many a young person's introduction to science fiction and horror through the film *Quatermass and the Pit*.

The drama aspect of this series has Quatermass retired to Scotland to write his memoirs, only to be rudely interrupted by a journalist. Kneale intercuts the drama with his own exposition of *Quatermass* and reflections on an idealised view of what a scientist was, a man "with a sense of awe at the magnitude of what he might discover".

In some senses, *Quatermass* fed the fears that were rampant in the 1950s, although, as Neale says, it was a "rational fear... in an atmosphere of Cold War and H-bomb".

PETER BARNARD

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SNAP VERDICT

Every week on Moviewatch young film fans discuss new releases. Today's panel comes from Carlisle...

**UNDERGROUND**  
Angela Tyson, 19: You cannot put this film across as the history of Yugoslavia for the past 50 years, because it doesn't show that much. It is one of the funniest things I've seen in a long while. You never got bored. He mixed the serious and the funny so well. Paul Thompson, 18: I thought: three-hour Yugoslavian film, sounds good — not. But I really enjoyed it. It was a laugh. Anne Clayton, 21: Totally mad but really good. Paul Reid, 22: Really bizarre: swinging off chandeliers, hitting each other with bottles — you've never seen anything like it. I laughed my head off all the way through.

**LA CEREMONIE**  
Angela: When it began, with a sinister plot and characters, I thought: "Oh, a good thriller coming on." But it carried on the same for an hour. The music made you think that something dramatic would happen, but it never did. Paul T: I don't like subtitles, and this was so lame: two French birds talking about nothing. Anne: It was a bit slow at first, but the characters were really good. I quite liked it. Paul R: Not bad, not good. The plot held me, but I wished it would get to the point.

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# OPERA 1

After initial chaos, Welsh National Opera dusts off *Cav* and *Pag* in lively style



# OPERA 2

... while a sumptuous Paris staging of *Don Carlos* shows international opera at its best

# THE TIMES ARTS



# OPERA 3

... and a staged version of Schubert's song-cycle, *Die Winterreise*, comes to Hammersmith



# JAZZ

Annie Ross displays the subtle side to her lyrical art in a London residency

# JAZZ

## In a Holiday mood

TWO different aspects of Annie Ross, story-teller, can be sampled at the moment. One of them is to be found in *Wishing On The Moon*, a leisurely "audiobook" re-working, with vintage music as an added attraction, of Donald Clarke's biography of Billie Holiday.

Ross, who knew the singer in her final years, brings a measure of unsentimental insider knowledge to her narration, transporting the listener to the day when, as a new comer to Harlem's Apollo Theatre, she filled in for an indisposed Lady Day.

Her experience as an actress — which brought her a prime role in Robert Altman's film *Short Cuts* — stands her in good stead on the readings. At

## Annie Ross Pizza on the Park

Pizza on the Park, where she has just started a four-week residency, that same gift is very much in evidence. No longer the laser-guided diva of her days with Lambert, Hendricks & Ross, she negotiated the evening — and overcame the effects of a head cold — with a mixture of guile and careful attention to the subtleties of a lyric.

While there is no avoiding the fact that her vocal range has narrowed, her emotional compass remains as broad as it was in her youth. She sprang surprises, too, by approaching many of the more familiar standards, including *It Had To Be You*, through her verses, a route that few singers care to explore. Rodgers and Hart's *It Never Entered My Mind* received a brief and no less unconventional reading.

Supported by Colin Purbeck on piano, Jack Parnell on drums and Andy Cleynard on bass, Ross had opened at a brisk, uncompromising tempo with *There'll Be Some Changes Made*. Later, between ballads, she made a point of plunging into the heady waters of the blues at regular intervals. Once refreshed, the voice flamed almost as brightly as that incandescent red hair.

CLIVE DAVIS

OPERA: A blissful evening with two warhorses in Wales; *Carlos*, heir of sorrows and solitude, triumphant in Paris



Elijah Moshinsky's thrilling new production of *Pagliacci* for Welsh National Opera updates the action to the era of Italian neo-realist cinema

## Two reasons to celebrate

THE Welsh National Opera's birthday production of the double-bill that launched the company 50 years ago could not have got off to a worse start. A berserk surtitle machine developed a mind of its own, endlessly repeated the words "no errors detected" — the most earnest practitioner of Theatre of the Absurd could not improve on that — and then made interesting but not entirely relevant remarks about Portugal before producing screenfuls of gobbledegook.

As the audience fell about laughing, a bemused Carlo Rizzi obligingly started the Prelude again, but it took five minutes and three members of management storming out of the auditorium before the machine could be switched off. Happy end, in that the audience spent a blissful evening actively listening to the performance rather than passively reading it.

And a pretty blissful evening it was. Hoarier of old warhorses *Cav* and *Pag* may be, but they have not been heard

here for nearly a decade, and it was nice to be reminded of how good they are. Mascagni's bubbling vaudeville of human emotion composed straight from the gut, Leoncavallo's more "arty", pretentious even, but at a theatrical level absolutely fail-safe. And it was good to re-encounter them so freshly performed.

Rizzi conducted them as though they had been composed last week, phrasing the big tunes with real insight — even the *Cav* intermezzo sounded new and interesting — and drawing clear, fat sound from the orchestra. There was no pussy-footing, no "art", just feeling, feeling and more feeling. The chorus, *raison d'être* of the company in 1946 if not now, was in top form.

Fresh may not be quite the word for Elijah Moshinsky's productions in decor by Michael Yeargan: with this and their unforgettable *Beatrice and Benedict* for the company, they are

## Cavalleria rusticana/ Pagliacci New Theatre, Cardiff

rapidly becoming the Zeffirelli of today, and that is intended as a compliment. *Cav* was firmly in period, with picturesque costumes, a shady street, easy manipulation of crowds, yet every cliché in the book — nuns, choirboys, merry peasants, a chap shaving with a flag dangling from his lips — was made to look, yes, fresh.

*Pag* was updated to the era of Italian neo-realist cinema: posters for *Bitter Rice* adorned the sports ground into which the players drove their battered old truck. I wondered only about an extra half-dozen clowns, who tended to dilute the impact of the central action.

But who precisely were this Nedda and Silvio? She already had an unsatisfactory husband. Did she really need another? What sort of escape did either offer the other? The tragedy was blunted. But the build-up of tension, the stage audience's gradual realisation that something was going

wrong, worked thrillingly. The piece can't fail.

There were many fine all-round performances. Dennis O'Neill's Turiddu, a small-town heel with jaunty hat and oily manner, turned first nasty and then pathetic with real conviction; his Canio, equally strongly sung (could *Vesti la giubba* take a little more light and shade?), duly wrung the right wretched, and his clown make-up was creepily grotesque.

Anne-Marie Owens, in fabulous voice, felt and conveyed every ounce of Santuzza's agony. Peter Sidhom successfully fought a throat infection as Alfio and Tonio. Menai Davies (Mamma Lucia), Anthony Mee (Beppe), just fine. In a way we all knew that this well-chosen cast would deliver the goods, but I was unprepared for the impact of Rosalind Sutherland's Nedda: ringing, vibrant *spinto* soprano, no tone, confidence and broadly phrased. In a word, sensational.

RODNEY MILNES

## Singers shine in dark setting

### Don Carlos Châtelet, Paris

VERDI's *Don Carlos*, which has just opened at the Châtelet, is international opera close to its finest. Sumptuously cast, staged with imagination and severity by Luc Bondy, it moves with some changes of personnel to Covent Garden in June, as well as on to Brussels and Lyons. Book now, wherever you may be.

Bondy opts for the lengthy five-act French version and includes several pages generally cut from the score. The most notable restoration is the *Lacrymosa* for Carlos, King Philippe II and chorus over the corpse of Posa, faithful friend to both men. The shots which a few minutes earlier rang through the Châtelet may also have killed off those in the audience of nervous disposition.

The opening Fontainebleau act has echoes of Visconti's unforgettable Covent Garden staging. Elisabeth and Carlos meet furtively amid the bare trunks of a snowy forest, with the palace lights showing in the distance. Eventually she rides off on a white charger to meet her unwanted future husband. Thereafter all visual decoration is out.

Moldieu Bickel dresses the Spanish court almost entirely in black. Gilles Aillaud's spare and spacious sets give Bondy room to show his principals in their isolation, an effect used in his famous *Salome* production. Separation and loneliness are among the many themes of *Carlos* and by emphasising them, Bondy makes the few interludes of emotional rapport all the more searing.

Those moments centre mainly on Roberto Alagna's Carlos. At times he is a wail, desperate for support, as when he collapses in Elisabeth's arms in the Act II duet. At others he is the king's son and believer in brave causes. Alagna shows what a fine Verdi tenor he is becoming, with clarity and sound and tender note-spinning both at his command.

Elisabeth is sung by Karita Mattila, on top form once some cloudiness had cleared from her voice during the Fontainebleau snow. She is

cool and resigned, all too aware of the emptiness of regal splendours.

As Posa, Thomas Hampson bids fair to announce himself as the world's leading Verdi baritone. The Friendship Duet fairly surged through the house. The only Posa poser was why he should have been decked with a straggly mane of shoulder-length hair more suitable for a Newbury bypass protester.

Jose van Dam took time to establish Philippe. His small stature and stubby beard made him look more like a choleric prelate than a gloomy monarch. But all came well in the study scene and *Elle me n'aime pas*. Van Dam knows how to weight a piece of this length and intensity, although Bondy's decision to open it with a vision of Elisabeth asleep in a lonely bed was one of the few questionable aspects



Roberto Alagna as Carlos, Karita Mattila as Elisabeth

of the staging. Eric Halfonson's Grand Inquisitor, in Franciscan habit, made his entry through hellfire flames flashing across the stage. Doubled up over two sticks, he looked like a malignant spider crab, or perhaps one of those brothers from *The Name of the Rose*. The voice, spelt doom.

The one weakness is Waltraud Meier's shrill and overplayed Eboli, whose mezzo plays angrily against the precision singing around her. In London, Martine Dupuy replaces her, and EMI might think about doing the same in the recording they are making at the Châtelet.

JOHN HIGGINS

The bleak majesty of Schubert's *Winterreise* has been adapted once again — this time, for the stage

## Timeless and timely winter of discontent

IN the last year of his life, Schubert gathered together a few close friends to sing for them a group of songs which, he said, affected him more than anything he had written. "I will sing for you," he said, "a cycle of shuddering (*schauerlich*) songs." Then, according to one friend, "in a voice trembling with emotion, he sang to us the *Winterreise*. We remained quite astonished by the gloomy mood of these songs."

Never has a song-cycle held such an icy grip on each successive generation. No fewer than 50 recorded versions are currently available, and nearly twice that number have appeared since vinyl was first invented.

Although the cycle was originally written for the baritone voice, both male and female singers have readily identified themselves with the lone wanderer who sets out in the darkness, following the tracks of fox and deer in increasingly hallucinatory circles until, after a vision of two suns, he becomes one, in this white world, with the eternal music of the organ-grinder.

Hans Zender has recently "recomposed" *Winterreise* in an expressionist orchestration with the Ensemble Modern. And now *Winterreise* is to be staged. In its first visit to Britain, the Opéra Comique of Paris will present a version of the song-cycle in which tenor Martyn Hill and pianist Andrew Ball will perform within an installation conceived by artist Christian Boltanski and directed by Hans Peter Cloos.

Baritone Wolfgang Holzmair, whose new recording of *Winterreise* has just been released, feels that the cycle has never spoken more directly than to our turning century. "We all feel a *Winterreise* in us," he says. "This winter journey means simply being without warm emotions, existing in a state of forced loneliness. This is exactly what our time is. We have never had

more means of communication open to us, but we have never been more alone because we insist on being individuals. And we are therefore condemned to go in that

## 'The song-cycle speaks directly to our turning century'

one direction. To take that path from which, as the wanderer says, there is no way back."

For Cloos there has been an even more personal impetus. "I was born in Stuttgart, immediately after the war, and was brought up with these

very existential questions of life and death. And they were never answered for me as I would have liked them to be. There was a denial of responsibility. *Winterreise* has always been for me a voyage into the collective death of our country."

More specifically, when he met Boltanski and started discussing the project, it became a voyage out into the plains of central Europe. They took a train between Vienna and Prague, and the cameras started rolling. Black and white footage: used clothes and suitcases from the flea market; a voyage some 50 years distant now, to another time of darkness...

Whatever the suggested frame of reference, Cloos and Boltanski insisted that this was a 19th-century work, and their search was then for a

19th-century stage. They found the Opéra Comique — and now the Lyric, Hammersmith. The frame is right, the dimensions appropriate. There is talk of the appearance of a set of identical twins, of a dancer. But will the musical performance itself be straight? "Bien sûr! Absolutely straight. We shall possibly change the rhythms between songs, but not within them." Cloos insisted on the tenor voice, because it is "more fragile, more transparent, more light-filled".

In Paris, they turned down the heating in the auditorium and put an overcoat on each seat. Should Hammersmith audiences bring an extra sweater? "Who knows? In Berlin we closed all the doors. We'll come a few days before and then decide what to do. Certainly I never want an audience simply to follow its own secure rituals. For everyone this *Winterreise* must be a personal trip..."

HILARY FINCH

• *Winterreise* is at the Lyric Theatre, King Street, Hammersmith, London W6 (0181-741 2311), March 12-16

## All's well that ends well

Thomas Adès's first orchestral piece... but all shall be well, is just a beginning to get interesting when it stops. Its slow unfolding from a cautious start suggests that it will need space to work out its melodic implications. In fact, they remain undeveloped in a construction which remains inconclusive.

Having served its immediate purpose — to celebrate the 150th anniversary of the Cambridge University Music Society a couple of years ago — it could usefully be incorporated in a score which demonstrates more confidence in the abilities both of the orchestra and

the composer. All might then be well.

The Adès piece was also just a beginning to a programme which went on, without interval, to Mahler's Ninth Symphony. The Hallé audience heard Kent Nagano conduct the work on one of his first appearances in Manchester and clearly, since there were so few empty seats, remembered enough of the performance to be expecting something out of the ordinary. But much has happened in the intervening four years. Nagano's earlier interpretation was

## CONCERT

### Hallé/Nagano Manchester

painfully truthful; this one was ferociously frank and even more out of the ordinary. There is no possibility that, after all this time as music director of the Hallé Orchestra, Nagano could have misjudged the acoustics of the Free Trade Hall and that he would have preferred a differ-

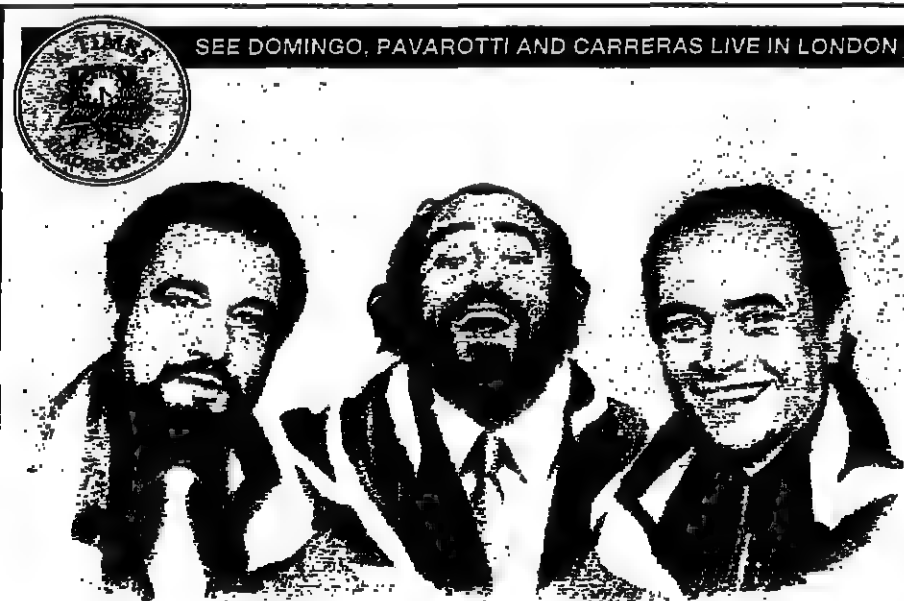
ent kind of balance in the first movement. His dismissal of whatever consoling sounds there might have been in the strings, his refusal to mitigate the anguish in the brass by giving the violins their due, was surely deliberate.

It was also illuminating in that it aligned the work not so much with early Schoenberg, where the history books would have it, but with the expressionist and more or less contemporary Richard Strauss of *Salome* and *Elektra*. Certainly, it was a disturbing experience and a remarkable

achievement from instrumentalists driven to extremes.

Another development in Nagano's interpretation is that in one of the rare moments of relief from the cruel burlesque of the third movement, where there is a tantalising glimpse of the ideal in the Adagio finale, he now plays down the hope it expresses. The Adagio itself, previously remarkable for its control, is now passionately motivated from the start. There was much beauty in this presentation of the finale, not least from the solo strings, but also much despair in its sustained refusal to compromise.

GERALD LARNER



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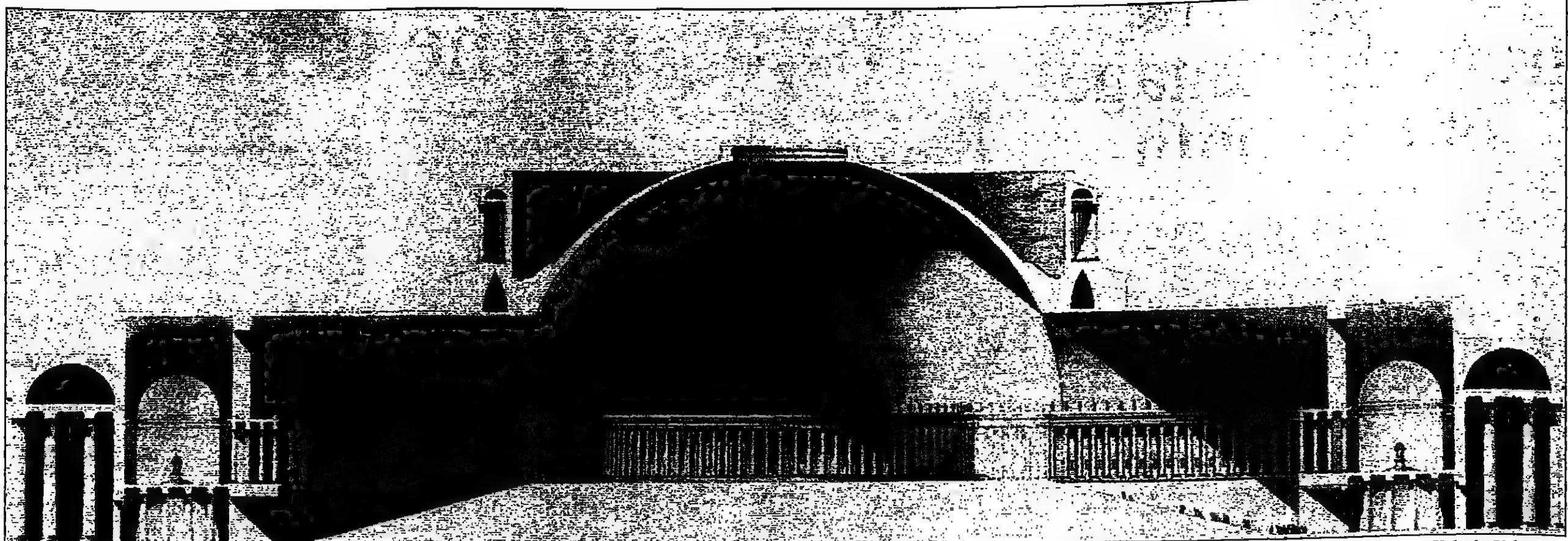
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Insurrection can take many forms: a re-evaluation of French 18th-century pornography reveals political unrest, says Howard Davies



Etienne-Louis Boullée's Utopian designs — this for a museum in 1783 — were influenced by Denis Diderot's praise for the aesthetics of "pure form": from *Architecture in France in the 18th Century*, by Wend von Kalnein (Yale, £50)

## Revolt under the cloak

THE FORBIDDEN  
BEST-SELLERS OF  
PRE-REVOLUTIONARY  
FRANCE

By Robert Darnton  
HarperCollins, £25

Comte du Barry, though racy, have serious intent.

Mercier's book is by far the most interesting. A political fable set in Paris 700 years in the future it is, as Darnton says, a general indictment of life under the old regime. The narrator awakes from a 700-year slumber and is shown around the Paris of 2440 by a guide who — rather heavily-handedly — explains

how the social problems of the 18th century have been resolved through an enlightened rationalist approach. The moral is entirely clear and the book, we are told, was highly popular. Mercier himself was sure of the impact of what he had written, describing himself modestly as the true prophet of the French Revolution.

So far, so compelling. But Darnton acknowledges a leap of faith: the number of copies of these books in circulation was very modest. How did the ideas spread to a broader public?

The answer to that essential question is obscure. There is a lengthy disquisition on the rival theories of the "diffusion studies" school of literary history on the one

hand, and the "discourse analysts" on the other. To the uninitiated, this can make the little ender/big ender dispute seem a high order of intellectual problem.

Then Darnton offers his own answer, in the form of a kind of wiring diagram known as "The Communication Circuit", designed to show how news and views passed from bookshop to salon to the public at large. He distinguishes between the diffusion routes followed by "bruits publics", "nouvelles de bouche" and "nouvelle à la main" — perhaps unfortunate terminology in view of what has gone before.

Again, Darnton's industry impresses. He has laboured through informers' records of decades of

café conversation, lodged in the prefecture de police. Sadly, the linkages he seeks to establish remain tenuous: the evidence is circumstantial, at best.

But there is a commonsense side to the argument which impresses, in spite of these circuit-breaks in the wiring. If books do not sometimes change the political mood, why has Peter Mandelson put himself between hard covers?

And it is grudging to criticise a man who tries to ask what he calls "the big questions in history", for not having produced cut and dried answers to them. Diderot's "bi-joux" may have been more Currie than Mandelson, but I am persuaded that Darnton is working a rich historical seam. *The Forbidden Best-Sellers* paints one piece of the jigsaw of pre-revolutionary France in fascinating and suggestive detail.

Howard Davies is Deputy Governor of the Bank of England.

MY OXFORD essay on Diderot 25 years ago was thin, even by my low standards. And, for once, I felt a spasm of guilt. Because most of the time I should have devoted to *Le Neveu de Rameau* or *Le Rêve de d'Alembert* had instead been spent reading *Les Bijoux Indiscrets* which I stumbled across in an ancient volume of Diderot's miscellaneous writings.

"*Les Bijoux*" in question are the private parts of the sisters in a provincial convent, which gain the power of speech at the appearance of a magic ring on the finger of a young male visitor. The tales they tell of what their mistresses get up to between Masses are not fit for those of a sensitive disposition. And while Diderot dresses up his plot in loose anti-clerical garb, his principal intention is clear. *Les Bijoux* is in the category Rousseau described as "books to be read with one hand": pornography.

But I was not, it turns out, wasting time on a frivolous or

unworthy text. *Les Bijoux* was one of a large number of forbidden books sold in France "under the cloak" by Swiss booksellers, often under the generic heading of philosophical works. Some were futuristic fantasies, some simple pornography, some anti-clerical or anti-monarchy tracts, others more serious works of political philosophy. Together, Robert Darnton argues, they amounted to a lethal attack on the *ancien régime*, fatally undercutting its legitimacy in the minds of the book-reading elite. From there they entered the currency of public debate and created the political tinderbox which ignited in 1789.

How plausible is this argument? Can books cause revolutions?

The weight of scholarship Darnton brings to bear in support of his theory is impressive. He has unearthed comprehensive documentation on the 18th-century legal book trade between Switzerland and France, and cross-checked it with Parisian police records. There can be little doubt that, thanks to his efforts, we now do know what 18th-century Frenchmen read.

There is little doubt, either, about the subversive nature of much of this "under the counter" literature. Of the three books which are published here in summary form, in an extended Annex, *Thérèse Philosophe* may look to be firmly in the one-handed category, but Mercier's *l'An 2440*, and de Maillebois's *Anecdotes sur Madame la*

## The source of an army's hidden fire

Alistair Horne

VOLCANO UNDER  
SNOW  
Vo Nguyen Giap  
By John Colvin  
Quartet Books, £25

In the First World War, of all the colonial troops who fought for France on the Western Front, the so-called "Annamites" were generally regarded as the least battle-worthy. They were employed as navvies, filling in potholes on the road to Verdun; or used to maintain order in Paris.

Fifty years later, their grandchildren emerged as perhaps the most redoubtable warriors of all the Cold War, giving new meaning to the remark once made by Bismarck: "A generation that has taken a thrashing is often

followed by one which deals out the thrashing."

In a war lasting 30 years, they decisively defeated the Indo-China both the French and then all the power that the United States could throw against them.

The military architect of these triumphs was General Vo Nguyen Giap, who at 85 still lives in semi-retirement in Hanoi. The sobriquet given him by Hanoi propagandists, "Volcano Under Snow", has been chosen by John Colvin as the title of a hard-hitting new book about the Indo-China wars in general. It was Giap who, from the departure of the Japanese in 1945 until the fall of Saigon in 1975, was responsible for the brilliant field training, the brutal Communist discipline, and the strategic planning which changed the Vietnamese and their Vietcong allies from a handful of bomb-throwers into an unbeatable army.

Perhaps Giap's greatest achievement lies in the iron morale he instilled into his units, which could go on fighting after six months' constant battle, having suffered up to 80 per cent casualties. This could not be emulated by the French colonial forces, by US draftees, or by the ARVN. Giap's guiding principle was "defeat the greater with the lesser". At Dien Bien Phu in 1953, the battle which decisively defeated the French, Giap forced them to dissipate their strength by a series of widely-



Giap: transformed guerrillas into an effective army

spaced diversionary attacks. Then he cornered them in a Verdun-like trap of their own making. France finally sued for peace.

Colvin pays unexpectedly high tribute to the French commander, the haughty de Lattre de Tassigny. But de Lattre died of cancer at the worst possible moment, to be succeeded by mid-levels more interested in the Fourth Republic's Navarre, Corgis and Salans — all hating each other, and with their hands tied by Paris. One of the issues left unresolved by Colvin is to what extent Dien Bien Phu was won by Chinese

support, both in advisers and artillery.

The greatest asset Giap had throughout, however, was his realisation that, when fighting against Western democracies, time was his ally (Saddam Hussein was also to discover this in the Gulf War). Colvin sees the Tet Offensive of 1968 as having been a costly military defeat for Giap; but the impact it had on American television won the war for the Vietnamese.

More controversially, Colvin — who, as Britain's top representative in Hanoi all through 1965-67, was well

placed to judge — still reckons that the strategic bombing of Hanoi and the mining of Haiphong could have strangled Giap, at least militarily.

Yet, as Charles Wheeler's powerful television series currently reminds us, America's Vietnam War was lost, not in the paddy fields of the Khe Sanh, but on the playing fields of Kent State University. Giap said he intended to carry the war into the families of America — he did precisely that.

It leaves one with the question: just how much was Giap's greatness composed of the incompetence, or feebleness of political will, on the part of his enemies? John Colvin has set himself a daunting task, but the verdict of history will have to await a Vietnamese glasnost and detailed analysis of Hanoi's war archives — if there are any.

For Giap and the Vietnamese, "twas a famous victory", indeed. But in the long term, what did all the appalling cost in lives and material destruction achieve after 1975? The unwilling kulaks and middle classes of South Vietnam disappeared into a night every bit as dreadful as anything imposed by Stalin; yet now, 20 years later, American venture capitalists are swarming back, with stuffed carrier-bags, into what promises to be the new Taiwan of South-East Asia. One would be curious to know what, in his retirement, the venerable "Volcano Under Snow" thinks of it all.

## Saviour in the spirit of place

Michael Arditti

UNHOLY GHOSTS  
By Ida Daly  
Bloomsbury, £14.99

THE HOLY Ghost is the surprising object of devotion for Belle, a young Jewish convert to Roman Catholicism in the Dublin of the early 1950s.

Instinctively, she chooses the neutral symbol of faith rather than the more personal figures of Jehovah or Christ: for it is the clash between the Old and New Testaments, as reflected in her early life, that leads to her incarceration in a mental hospital at the age of 18. Here, she is brutally treated before being rescued and released by Anto, an idealistic young doctor, who employs her as a gardener on the staff.

Now, 30 years later, the hospital is being closed, the garden is destined for destruction and Anto is departing for Romania. Before he leaves, he urges her to confront the succession of unpalatable truths which she has long repressed. To Belle, the past is a palimpsest, rewritten with each newly remembered fact.

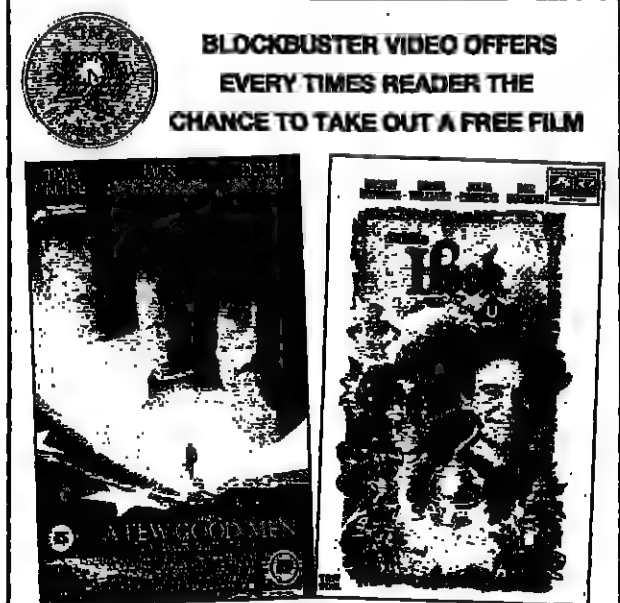
Chief among Belle's ghosts are the good and bad angels who fight over her fate: the socialist teacher, Mona McCarthy, whose influence fires her to make a similar political commitment; and Father Jack, who personifies the dangers of a religion that has been hijacked by priests.

The particular triumph of this novel is its seamless interweaving of Belle's personal struggle with the great historical events of the mid-20th century, and Daly paints a wittily witty portrait of the absurdities of the far Left.

BUT SHE reserves her true scorn and bitterest satire for the spiritual tyranny that permeates every aspect of Irish life. It becomes clear why Belle finds her idea of God in a garden and not in a church.

Daly has inevitably been compared to Edna O'Brien, whose shimmering lyricism she shares, but her international concerns in a deceptively domestic framework are more akin to Bernice Rubens. This is a beautiful novel, as satisfying in execution as it is far-reaching in themes. Belle's garden may be swept away, but her story will surely last.

Michael Arditti's novel, *Pagan* and her Parents, is published this month by Sinclair Stevenson



## See a free Blockbuster film

Today *The Times*, in association with Blockbuster Video, offers every reader the chance to take home a film from the Blockbuster Video Movie Collection for up to two nights absolutely free. All you need to do is collect three different tokens from copies appearing in *The Times* until tomorrow and take them to any of Blockbuster's 680 branches.

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They offer a range to suit all tastes including: thriller, horror, musicals, romances, and comedies. You may choose any film from the Blockbuster Video Movie Collection and keep your video for up to two nights. The offer is valid from March 6 to April 3, 1996.



We are all Africans; so what's new? Darwin suggested that human beings evolved in Africa. The earliest and richest fossil deposits of our ancestors have all been found in Africa and the Leakey family, along with their colleagues and rivals, have periodically seized our imagination with their tales of humankind's African origin, beginning some five million years ago.

By two million years ago people had crossed the rest of the Old World, and it is in this early expansion that some scientists see the origins of modern populations. Now it has become apparent that all humans alive today are descended from a small population that, until relatively recently — two hundred thousand years — was located in Africa.

So we are also African in a more definite sense. Stringer and McKie tell the story of our African roots and attempt to resolve some misconceptions concerning recent human evolution along the way.

Inevitably much of the early part of the book is concerned with setting the issue within the wider context of human evolution. The Neanderthals make an appearance, usefully summarising much of what

was in Stringer's previous book, *In Search of the Neanderthals*, as it appears that they were the population replaced by the ancestors of modern Europeans.

Much of the rest of the book concerns the fiercely debated evidence for the recent origin of modern humans, and the localisation of this event to the African continent.

There is, naturally, a review of the fossil material itself, but a wealth of other material is woven into the explanation. There are general arguments from evolutionary biology and specific pointers to the status of ancient populations contained in what they have left behind. While these obviously include tools and works of art, they also include the language that we speak today

## Something new out of Africa

Mark Leney

AFRICAN EXODUS  
By Chris Stringer  
and Robin McKie  
Jonathan Cape, £17.99



Lions painted 30,000 years ago on a French cave wall: from *The Chauvet Cave* (Thames and Hudson, £28)

and the genes that we have inherited from our ancestors. The authors review the study of this multifaceted evidence, providing introductions to the many, often baffling, techniques involved in establishing the antiquity of bones, artefacts and intriguingly, bits of our genes.

The study of our origins can never be a morally neutral, "scientific" process. Origins are central to the way we see ourselves. Ideas about race are intertwined with this debate,

and Stringer maintains that the differences between the modern races are superficial; the underlying biology that continues to shape our lives today is a common heritage from African ancestors.

It emerges that the genetic difference between a pair of individuals drawn from a single population, say Swedes, will on average be greater than the difference between the Swedish population as a whole and some other population. Quite properly Stringer

and McKie do not shrink the socio-ethical implications of this and rebut the recent use of the "Out of Africa" theory in the work of lunatic racial theorists. (Anyone who read *The Bell Curve* should read this book.)

On the other hand this is not a liberal whitewash; the book acknowledges biological differences between populations separated by both geography and history, but it makes the important point that this variation is actually very small compared with what one might expect from such a widely dispersed species. The account that they give of the heritage of Darwinian imperatives shaping the differences between the sexes harks back to Desmond Morris's *Naked Ape* and will strike some as positively antediluvian — exactly what it is.

Acknowledging these aspects of our evolutionary heritage does not lead to biological determinism but facilitates free will. Culture emerges as the force that drove our African ancestors to global domination at the expense of our ancient cousins. Stringer and

McKie conclude their book by pointing out that it is culture that continues to divide us and that only culture can show us the way forward.

The amount of material covered and the fact that the book was written by two very different authors necessarily entails some fragmentation; but this is an entertaining and authoritative introduction to the best of current thinking on the origin of modern humanity. One of the bonuses of the book is the insight it gives into the bitter personal rivalry that has characterised the academic debate about this subject.

Over the years Stringer has been subjected to considerable personal and academic abuse because of his ideas, and here he takes a richly deserved opportunity to level some choice invective at his critics. It seems that in the intellectual ancestry of this issue, the proponents of the "African Exodus" are the "intellectually modern" survivors — their "archaic" critics are sadly consigned to the mists of history along with the Neanderthals they purport to be descended from.

Mark Leney was recently elected the Sir Christopher Cox Fellow of New College, Oxford



# EC ruling on food names is hard cheese for cheddar

By CHARLES BRENNER  
IN BRUSSELS  
AND ROBIN YOUNG

ANYBODY passing off common English beef as Scottish or abusing the good name of Gorgonzola will be in trouble with the law under proposed European regulations approved yesterday.

The items are among 318 regional food products, chosen from more than 1,400 submitted, that the European Commission deems worthy of protection from imitators and imposters.

While British producers are happy to see protection extended to 26 national treasures such as Stilton cheese, Newcastle Brown Ale and Jersey Royal potatoes, the Commission's menu provoked indignation in Denmark. Copenhagen fought in vain to prevent the Greeks from cornering the name of Feta for its goats' milk cheese, thereby stripping the label from a Danish cows' milk product.

The conditions for registration include a requirement that the product must meet a given standard of quality and that it must enjoy a reputation linking it with a geographical area.

Cheddar cheese is among half a dozen internationally famous cheeses singled out as not qualifying for protection on the ground that they are already so widely imitated



The only brown ale that's Newcastle's

elsewhere that their names have become no more than generic descriptions. However, West Country Farmhouse Cheddar has been accepted as being sufficiently distinct to qualify for registration. The other "generic" cheeses are edam, gouda, brie, camembert and emmental.

The aim of the scheme is to protect producers of premium products and their customers from imitators and imposters, in much the same way as a patent or trademark protects industrial goods.

The list agreed by the Commission yesterday has still to be approved by the EU agriculture ministers, meeting in council later this month. There could be further argument there because the Italians are

pressing a claim, opposed by British MEPs, that Parma ham should not only be produced, but also packed and sliced in the Parma region.

Caroline Jackson, Conservative MEP for Wiltshire North and Bath, said yesterday: "Parma ham is of particular concern to us because the listing may prevent it being sliced and packed in Britain, threatening jobs here."

It will be no good food producers resorting to such labels as "Feta-style" or "Parma-style". Just as Champagne won the monopoly on its name when Europe applied similar rules to wines and spirits, only the genuine article can mention the title.

The Commission is examining a further 1,100 requests from member states. These include Dorset Knob biscuits and Whitstable Oysters, as well as Wensleydale cheese, whose makers are accusing the Ministry of Agriculture of mishandling its original application.

A glance at the Commission's list shows that the southern European countries were far quicker off the mark than those in the north. Long a convert to the merits of *appellation contrôlée*, France has won the lion's share of protected names, registering 32 regional chickens and 36 cheeses as well as a host of other specialties such as Pink Toulouse Laurier garlic and Provence lavender oil.

Eager to use the system to promote artisanal industries of all kinds, Paris is now pressing for protection of Savoy cow bells. The Germans, in contrast, won protection only for 32 mineral waters.

Softening its defeat in the Feta war, the Commission wants to allow Denmark a five-year transition period to phase out its Feta, and it acknowledged that it would be powerless to stop European firms exporting products that breached its "geographical indications and designations of origin".

## Officer's letters tell of skirmishes with rodents and Florence Nightingale



Belying the popular image of glorious heroism, correspondence from the 19th century war reveals disease, prejudice and mismanagement

## Army of rats petrified Crimean troops

By ALAN HAMILTON  
AND JOHN VINCENT

THE awesome combination of giant rats and Florence Nightingale imposed as great a privation on British soldiers in the Crimean War as anything the Russians could throw at them, according to previously unpublished letters about to come up at auction.

Major Francis Beckford Ward, Royal Artillery, in a collection of 70 letters to his parents in England, tells of hapless infantrymen being put to flight by hundreds of huge rodents. He also writes of the threat that the founder of modern nursing — who achieved near-sainthood after being spurred to action by the despatches of W. H. Russell, the *Times* correspondent at the war — might be on her way to visit his hospital.

The 700 pages of correspondence emerged from a private collection and will be sold at Phillips in London next Thursday. They are expected to fetch up to £3,000. In one of the letters, which were written between December 1854 and June 1856, Major Ward writes: "Our chief enemies at the moment



Foes on the same side: Florence Nightingale, spurred to action by reports in *The Times*, and Major Ward, who awaited her arrival with apprehension

are the rats, and they annoy us exceedingly. The Crimean rat seems to be a most audacious brute and he has no respect for persons or things. He eats everything he can get at, and he fights and squeals, and runs over one as one is lying in bed without the smallest compunction." The major, who was senior

British officer at the Battle of Tchernaya on August 16, 1855, continues: "My men are quite afraid of them, and my late sergeant-major (John Sweeney), a great stout man of 6ft 3ins and broad in proportion with a tremendous black beard... brought me home a wonderful story one night of being attacked

on his road home from headquarters by hundreds of these animals and being fairly put to flight. He really grew quite pale in telling the tale."

clothed and, almost without exception, old men or young boys. Most were suffering from dysentery and their only food appeared to be "a small bag of black mouldy bread with a little oil to moisten it".

In another letter, Major Ward writes: "Miss Nightingale is here again, and I understand that she threatens to pay a visit to my hospital during the present week." Felix Pryor, Phillips' manuscript specialist, said yesterday: "She was actually seen by many people out there as an interfering pain in the neck."

Major Ward refers to a scathing broadside delivered by Major-General Sir Colin Campbell at the commander-in-chief, Lord Raglan, who died of disease during the campaign: "a damned red-headed, oily-tongued fellow from Woolwich".

Ward adds in his letter home: "Joking apart, such scenes as these cannot fail to show that the mismanagement so often complained of has not been over-exaggerated." Mismanagement was almost as regular a theme of Russell's reports to *The Times* as the insanitary conditions of the wounded.

### BRITISH REGISTRATIONS

The full list of British registrations is:

- Fresh meat: Orkney beef and lamb, Scotch beef and lamb, Shetland lamb.
- Cheeses: Beacon Fell Traditional Lancashire, Blue Stilton, Bouchester, Buxton Blue, Dovedale, Single Gloucester, Swaledale, Swaledale Ewes, West Country Farmhouse Cheddar, White Stilton.
- Fruits, vegetables and cereals: Jersey Royal potatoes.
- Beer: Kentish ale, Kentish strong ale, Newcastle Brown Ale, Rutland bitter.
- Ciders: Gloucestershire cider and perry, Herefordshire cider and perry, Worcestershire cider and perry.

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Firm breeds herd of donor pigs

# Ethics group paves way for human use of animal organs

By Nigel Hawkes, Science Editor

THE prospect of animal organs being used to give humans an extra lease of life was given a cautious welcome by an expert group yesterday.

Genetically modified pigs could provide organs for thousands of people waiting for a transplant, but the ethical and practical issues must be discussed first, the Nuffield Council on Bioethics said in a report.

As well as the technical difficulties of xenotransplants — using organs from animals to help human patients — such as overcoming rejection of the foreign organ, there are risks that animal diseases could be transferred to the human population with disastrous consequences.

The Nuffield working party, chaired by Professor Albert Weale of the University of Essex, said patients being offered the treatment should have the advantages and disadvantages explained to them by outsiders not directly involved in the research programme, to avoid pressure being put on them.

A national advisory committee on xenotransplantation should be established to control the development and ensure that the maximum benefit is provided to patients at the minimum risk. Pigs, rather than primates, should be the source of the organs, the report says.

Imutran, a Cambridge-based company, has said that it will be ready to attempt the first organ transplant from its herd of genetically modified pigs this year. But Professor Mark Walport, of the Royal Postgraduate Medical School at Hammersmith Hospital in west London and a member of the working party, said yesterday that clear evidence of success in animal trials and approval from the proposed national advisory committee should be obtained before human trials begin.

Professor Weale said: "On the fundamental question of whether xenografts should take place, our view was that the benefits of transplants are so considerable and the present organ shortage so serious that it would be ethically acceptable."

The guiding principle should be proceed, but proceed with caution: always paying attention to the highest standards of patient care and animal welfare. "One of the greatest problems was that of disease," Professor Walport said. "The risks are probably very small, and in the case of pigs, remote." But we cannot measure the risk with any accuracy.

The report says that primates such as chimpanzees or baboons should not be used as sources of organs. They are closer to man so could offer some advantages in controlling rejection, but that very closeness raises ethical questions and increases the risk of transmitting infection. To produce clean organs, primates might have to be raised in sterile isolation. They grow much more slowly than pigs and the chimpanzee, man's closest relative, is already threatened in the wild.

An official government committee, under the chairmanship of Professor Ian Kennedy of King's College London, is due to report soon on the same subject. As things stand, Professor Walport said, a surgeon needs only the approval of his own hospital's ethics committee to proceed with a xenotransplant.

## Lab produces twin lambs in cloning breakthrough

By Michael Hornsby, Agriculture Correspondent

SCIENTISTS have developed a technique for cloning sheep that eventually could be used to produce large numbers of genetically identical animals.

Previously, cloning small numbers of calves, sheep, rabbits and mice has been achieved by taking nuclei from the cells of week-old embryos and fusing them with unfertilised eggs from which the nuclei containing the DNA material have been removed. Now researchers at the Roslin Institute, near Edinburgh,

have cultivated embryo cells in the laboratory, letting them sub-divide many times into identical cells before cloning them.

The science journal *Nature* reports that the scientists produced two identical surviving lambs from seven ewes made pregnant in this way. Dr Ian Wilmut, a member of the research team, said: "The success rate was low and there are many problems to be overcome, but we have shown that the method works."

He said that initial use of the technology would probably be to produce a few

animals with desirable characteristics, such as a high meat content or resistance to particular diseases, from which farmers could breed in the normal way. Clare Gosling of the National Farmers' Union was cautious about the benefits of cloning. "A herd or flock made up of identical animals could be highly susceptible to disease," she said.

Dr Wilmut said that he would be appalled by any attempt to use the technique to clone human beings. In any case, the team did not know if the method would work with cell types from other species.



Abelhard, a Bewick's swan, wearing the radio transmitter which will help scientists track its movements

## Satellite will track swans' flightpaths

By Michael Hornsby, Countryside Correspondent

MIGRATING swans have been fitted with radio transmitters to enable scientists to trace the route the birds follow each spring when they return from Britain to their arctic breeding grounds.

One Bewick's swan, named Pedro, has already set off on the 2,500-mile journey and sent back his first signal from the Goteskog-See, a lake on the German-Danish border. A second, Abelhard, is expected to leave in the next few days.

The pioneering project is being co-ordinated by John Bowler, swan research officer at the Wildfowl and Wetlands Trust at Slimbridge, Gloucestershire, the birds' point of departure. "After 30 years of studying the birds we know hardly anything about the location of their breeding grounds or stopping-off points on their way to and from them," he said. "Once we have this information we can press for tighter controls to protect these areas."

Bewick's swans are slightly smaller than the mute swans that are year-round residents of Britain. They also have straighter necks and yellow and black bills rather than the familiar orange and black. The birds breed across northern



The bittern, blown off course

Russia from the Finnish border to the Pacific Ocean and are thought to number about 45,000. Up to 8,000 spend the winter in Britain, around 450 of them at Slimbridge, arriving in late October and leaving during March.

During their annual migration, which takes up to eight weeks in either direction, the birds stop to rest and feed on lakes, reservoirs, flooded grasslands and, sometimes, sheltered sea bays, but

little is known about which ones they use. The transmitter, weighing 90 grams and the size of a cigarette pack, is strapped to the swan's back with a lightweight harness. A 30-centimetre aerial sends signals via a satellite to a receiving station in Toulouse, southwest France, which feeds the information to a computer at Bristol University.

"The male bird always flies with a female so we only have to fit the male with the transmitter," Mr Bowler said. "Initially, the birds will send back signals once every 13 days but once they reach the breeding grounds the transmissions will be much more frequent, enabling us to locate where they are to within a few hundred feet."

A rare bird blown off course by more than 400 miles is to be flown home, by Brymon Airways. The bittern, which looks like a small heron, was blown from its normal home in the Norfolk reedbeds and was discovered in a pig sty in West Cornwall a week ago. He has been nursed back to health at the Mousehole Wild Bird Hospital. Brendan McSherry of the Royal Society for the Protection of Birds said: "If the bittern were not so rare, I don't know if we would go to the effort of getting it home, but there are only 20 breeding males in this country."

## Computer casts net in hunt for fish

By Nick Nuttall

A POWERFUL new method of detecting fish stocks is being tested by trawlermen in the Barents Sea, with claims that it is boosting catches by up to 50 per cent.

The computerised fish detector, produced by Russian marine scientists, is being tested on Murmansk-based boats fishing for cod and capelin, a small member of the smelt family.

Dr Will Tesler, head of acoustics research at the Russian Federal Research Institute of Fisheries and Oceanography in Moscow, said yesterday that in the Barents Sea fishing vessels that had been using the prototype for finding cod were increasing catches by up to 50 per cent in some cases.

Fishing boats worldwide routinely use Sonar to detect shoals of fish. But Dr Tesler said project Bort was a big leap ahead.

The Russian fish detector receives instant information from satellites on sea temperatures and discoloration on the sea's surface, indicating areas where fish food is available in large amounts. The Bort computer matches that information with charts of the seabed and historical records on good catch areas. It then advises the skipper on the best place to put down nets.

The Russian scientists are hoping to turn the prototype into a commercial product for the world's fishing fleets, including Britain's.

Dr Tesler, speaking at Oceanology International in Brighton, dismissed suggestions that the development might prove the last straw for the globe's beleaguered fish stocks. There was evidence that fish numbers were far more buoyant than some governments and environmentalists claimed, he said.



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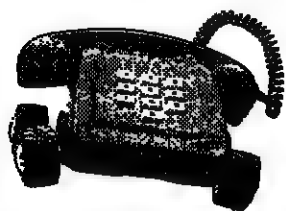
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# Strong wine from the vintage of his youth

Bernard Levin on the British publication of Gore Vidal's early novel of love and loss

Preceding his name is Vidal. He published his first novel in 1946, when he was 21, and from then on never a year goes by that a book — be it a novel, collection of essays or a screenplay — comes from his almost but not quite overflowing pen.

This, his fourth novel, was published in the United States in 1949, but has only now appeared in Britain: certainly Britain's gain. It is, of course, a young man's work, and it shows (there is a good deal of clothing before he gets into his stride) but the precocity overwhelms the rough corners. For that matter, it is obviously Vidal himself speaking, but the skill with which he makes sure that he is not just a puppet is amazing. The reader will gasp again and again to think that such youth can produce such maturity.

The setting is a world of a world gone by: this is the South, and there is a Vice-President on the premises, but even a Vice-President can swear from the heart, and — don't forget — the blood of the Civil War still flows in some hearts and minds and even memories 80 years on.

These are the nobility of the South, and a snuff will do for the North ("...the Northerners had been coming South ever since the World War..."), but at some point here Bill enters on to the stage, and remains there. On the whole, it is both a nuisance and an impertinence for a novelist to have to be always arguing about which of his characters are based on which real persons, but Vidal/Bill manages to soar over that tiresome hurdle.

For instance, his abrupt meeting with puberty is handled with remarkable lightness and realism: "Finally he discovered that an unpleasant fat boy who lived next door (he barely knew him) had been caught doing something rather mysterious to himself and when his mother had caught him said that Bill had shown him. The whole thing was confusing and, though, after a few days, he stopped consciously thinking about it, he never really forgot."

Who would have thought that our ironclad hero could be so realistic that he never really forgot.

That, however, is nothing compared to the wonderful growing up: if our hero can be realistic, he can also be tender, and in the middle of the book (the placing cannot have been random) there is such a passage: "The other boys came over to look at Bill. Most of them were older and had been in the dormitory two or three years. They watched him unpack and they talked to him, asking him where he was from and what his father did. The fact that his parents were divorced interested them very much. They said unpleasant things about the school he'd been to; they said it was a girls' school. Then, seeing another boy unpacking, they went over and began to make fun of him. Bill was glad that he was large for his age, that not many boys ever picked with fights with him. The oldest boys in this dormitory were 14. For boys over 14 there was another dormitory. Most of the students in the school, however, were day boys. Bill was frightened the first evening and on his guard the first week. He was not homesick, having been away from home before, and, besides, there was not a real home to be sick for."

For any boy going to a boarding school (I was one), on this side of the Atlantic or the other, the picture is absolutely correct in every detail: again, we are pulled up to be shown that Vidal has a soft side. (A drunken mother is rather more to handle, but again, Vidal manages to clear every hurdle that he jumps.)

There are a few bits of nonsense, particularly when a tiresome idea is worked to death by claiming that a king is coming, but there are real people and there is real pain, for the last page in the book throws off all coverings when the real Gore Vidal discovers that the real Jimmy, his beloved friend, has been killed in action. Jimmy was dead. He put the letter down without finishing it. He would have cried but he'd forgotten how.



Vidal: precocious maturity

THE SEASON OF COMFORT  
By Gore Vidal  
Andre Deutsch, £4.99

Ian McIntyre on the delights found in the letters of a Nobel Laureate at his peak

# Mud and the gentry

I have a fat middle-aged cousin whom I introduced last year to the delights of winter sports. He took to them with the joy of a large retriever. (The cousin was an obscure Tory backbencher called Stanley Baldwin.) Kipling's letters have all the racy vigour that characterise his storytelling. And the vividness. "All the birds of the wood have come to beg rations," he tells his American friend Charles Ellor Norton. "Figure to yourself a blackguard jay — a beautiful ruffian in blue — coming into our garden cowed and penitent, like a sort of half frozen Villon."

"England is a wonderful land," he writes in the same letter. "It is the most marvellous of all foreign countries that I have ever been in. It is made up of trees and green fields and mud and the Gentry: and at last I'm one of the Gentry! I'll take a new pen and explain." He had just bought Bateman's, his grey stone lichen-dream house, and he was to live there for the rest of his life.

In that first decade of the century Kipling was at the height of his powers. *Kim* appeared in 1901, and was followed by *Just So Stories*, *Traffics and Discoveries*, *Puck of Pook's Hill*, *Actions and Reactions* and *Rewards and Fairies*. His ability to write in the genre of historical fiction calculated to appeal to both children and adults was something which gave him particular pride. "I worked the material in three or four overlaid tints and textures," he wrote. "It was like working lacquer and mother o'pearl into the same scheme as niello and grisaille, and trying not to let the joints show."

The letters bring the man marvellously alive. He was immensely industrious, and yet always found leisure to go fly-fishing or pursue his passionate affair with the motor-car. "You won't know Brighton seafrom," he tells his American mother-in-law, "so you will never understand the joy of breaking down for lack of fuel under the eyes of 3000 Brighton Hackmen and about 2,000,000 trippers."

Visiting Canada in 1907, he was treated like royalty, with a



Rudyard Kipling in 1888 with his father, author and illustrator John Lockwood Kipling

private rail-car at his disposal: "I didn't know it was mine till the Negro Potentate in charge said to me as I got out at Montreal: 'What shall I do with yo' car, Sir.' Then I discovered it was mine for six weeks — negro King, hot and cold water, smoking room, private stateroom, cathedral aisle, etc. etc. etc."

Fame affected him not at all. "We have to go abroad next week for a few days," he wrote to Conan Doyle in 1907 —

THE LETTERS OF  
RUDYARD KIPLING  
Volume III, 1900-1910  
Edited by Thomas Pinney  
Macmillan, £49.50

omitting to mention that their destination was Stockholm, where he was to receive the Nobel Prize for Literature. To a letter of congratulation from the Australian Prime Minister

he replied that he was pleased "because it's the first time that that prize has come to the Empire."

The part of the Empire that was most important to him in these years was South Africa. His admiration for Cecil Rhodes, who gave him the use of a house at Groote Schuur each winter, was unbounded. "He isn't a politician," he told St Loe Strachey in 1900. "He's the political arena itself." Kipling saw the Boer War as a

purifying storm, and felt bitterly towards the Liberal government for their betrayal of his imperial vision.

He has time for everything and everybody. He pens a long letter to a doctor who was campaigning to prevent typhoid fever in the army: "I have yet to know the education that will keep a crazy-thirsty man away from water — even though a carcass is floating or a mule stalling in it." Gilbert Murray, labouring over his translation of *Electra*, consults him about writing the description of the death of Aegisthus, decapitated by Orestes. "When a man's head is being cut off as a rule he belches a little, making a clanny sound," Kipling volunteers brightly. "On the other hand a man of Anglo-Saxon extraction when suddenly wounded to the death often emits an expression of polite bewilderment."

Descriptions leap from every page. "On Sunday," he informs a Sussex neighbour from Switzerland, "I went to bed with a Throat like a cross between a rat-trap and a nutmeg-grater." In a violent storm in the Channel, the boat "simply stood still and batted her paddles about as a fainting woman waggles her hands in a crowd."

Motoring through Provence he visits Les Baux (this was in 1910, long before it was given the kiss of life by the local *syndicat d'initiative*). He sees "a grey corpse of a city in a quarry that is like a vast stone Golgotha — inconceivably mad and grotesque". A few pages earlier we encounter "that loose-lipped old frump Aphra Behn" and elsewhere we come across a duchess "whose manner and tone would have bred a mutiny in a cageful of white mice".

This is a perfect bedside book and an important contribution to Kipling scholarship. All it lacks is an index. We are promised one when the work is complete, but at the end of this third volume Kipling is only in his mid-forties; we are offered a skimpy six and a half page register of names and correspondents. What about an index on loose sheets, discardable when the full version appears?

# Child's eye view of terror

To read Fazil Iskander is to appreciate the value of a writer's limited ambition. No one in Russia is better at employing small means to coax small meanings from the great chaos of Soviet totalitarianism. His is the universal chamber music of our grandparents' childhood, more consonant with bicycling trips to the Isle of Wight in August 1939 than with the islands of Solzhenitsyn's famous archipelago.

Historiography tends to zig-zag, and keeping it to the straight and narrow is an awkward job often done by literature. Was everyday life under Stalin the hell on earth which every educated Russian of the present generation will enthusiastically agree it must have been? Yet, like the paradise on earth proclaimed by Beatrice Webb and a thousand others in Stalin's lifetime, that view has now become a propagandistic cliché. The truth told by Iskander is that life is always purgatory.

None of this is to say that the Caucasus of the writer's boyhood, as refracted in this jewel of an autobiography, lies outside politics. Yet politics, in the sense of an all-powerful, all-pervading force, was not perceived by those it crushed as our *ex post facto* historiography would now lead us to believe.

The human fact vividly recalled is that the force in question was popularly perceived as a force of nature. Both the protagonist's age (ten)

Andrei Navrozov

THE OLD HOUSE  
UNDER THE  
CYPRESS TREE  
By Fazil Iskander  
Translated by Jan Butler  
Faber, £14.99

and the provincial yet ethically cosmopolitan setting of the memoir (an Abkhazian port town swarming with Persians, Turks and Greeks) are ideally suited to immersing the reader in that uniquely totalitarian phenomenology and of rendering it universal. To the child's impartial eye nearly

everything that exists, including billiards tables and mass deportations and neighbours' quarrels, is a coequal part of nature. And to the ordinary person's mind, much of what happens in the course of existence is simply destiny.

On the surface the result is a naive and humorous portrayal of a nearly extinct way of life. This is a kind of *cinéma vérité* treatment of low-budget, local-colour anachronisms that would not seem out of place in a film about Italy under Mussolini: a lorry driver arguing with a postal clerk about Tokyo being the largest city in the world, a widow writing petitions to impossible fur-

away places, a new bicycle becoming the talk of the town. But as one Russian critic has written of Iskander, "beneath the humour of senselessness is a tragic and serious sense".

Beneath the charm of the tale, beneath the chamber music of Iskander's prose, the grim moral of the past lies side by side with the anxiety about the age to come. On the last page, Stalin appears to Iskander in a dream, rising from his coffin to conduct the funeral band: "He organised his funeral on purpose just to see who's turned up to bury him. And now he's going to take vengeance on everybody here. Especially the musicians."



Bear hunting in Novgorod c 1916: from *Life on the Russian Country Estate* (Yale, £30)

WE'RE TALKING serious legends, here. If superstars are those whose fame spills from the particular to the general, then Arthur C. Clarke, now 79, and the late Isaac Asimov were the superstars to open the mainstream floodgates for science fiction.

Clarke's 2001: A Space Odyssey gave SF an immense boost to popularity; Dr. Asimov, with more than 400 books and his *Foundation* series, laid the basis for much of today's futuristic fiction. What they shared was the magnitude of their visions; the difference was in approach: Clarke's gravitas was sometimes too ponderous, while Asimov's genial garrulity often made a pun rather than a point.

Count these two books as rising above faults, twin peaks of excellence to make them among the most readable of today's science fiction.

Arthur Clarke, who is rarely out without a literary minder these days, generously praises his late partner, Mike McQuay, for the way *Richter 10* has turned out. But its story of a crazed seismologist has a theme that will be familiar to Clarke's regular readers — that of humankind finally triumphing over alien nature — with his usual apocalyptic finale.

Casual swipes of the imagination reveal an America in the year 2024 bought up by a Chinese corporation and a polluted world of dangerous sunlight ("Stay in the shade" is the usual farewell). Scientist Lewis Crane's megalomania has ripened in the hothouse of past trauma, when an earthquake killed his parents. Now

# Artists of earthquake and eclipse



Kubrick's film of 2001 (1968) gave SF an enormous boost

Tom Hutchinson

RICHTER 10  
By Arthur C. Clarke and Mike McQuay  
Collins, £15.99  
MACIG  
By Isaac Asimov  
HarperCollins, £15.99

he is in the business of upheavals, with precise predictions of convulsions and an intent to rid the world of future tremors by fusing the oceans' tectonic plates.

All this, and a cast of millions unaware that, as Clarke puts it, civilisation exists by geological consent. But those millions are about to be sacrificed to the most

gigantic disturbance ever — a Number 10 on the Richter Scale.

If some of Clarke's past work has read as though the narrative were pulling itself up by the bootstraps, this *floats* clear, with the most credible characters he, and McQuay, have created: Crane's querulous black assistant, the woman they both love, the Chinese overlord of the nations he purchases, the transsexual who laces booze with endorphin-stimulants. And the writing is matched to events. The depiction of the aftermath aftermaths of a destroyed Martinique is among the most vivid Clarke has achieved.

Altogether, an epic of alarm that is vast in its implications,

intimate in its understanding of people. Go on, make an old man — Arthur Charles Clarke — very happy and film it, somebody! You'd please a global audience, as well.

Isaac Asimov's *Magic* is not at all filmable; as a collection of ephemera it consists of posthumous crumbs from the feast of ideas which were his life, quoting Clarke — "technology, sufficiently advanced, is indistinguishable from magic" — to explain short fantasies as science fiction.

So the tiny demon, who figures in some of the tales, is no longer supernatural but springs from a high-technology continuum: Asimov, who invented the Laws of Robotics, can switch from unicorns to androids at the drop of a metaphor.

BUT, WHEREAS the short stories are wonderfully playful conceits, the essays prove that in dealing with God, the Universe and the Whole Damned Thing, Isaac Asimov had few equals. In his last days he could still throw off opinionated sparks like a giant cathode wheel.

His poignant tribute to a dead friend, his assessment of J.R.R. Tolkien, his blood-freezing account of American education: all are elevated by a joyful belief in the glory of the human spirit. In an SF universe of pessimistic cyberpunk his optimism thrives.

Just as does the work of his friend and rival, Arthur C. Clarke. Praise be, these two flying sorcerers were down here on a visit. I doubt we shall see their like again. Grand Old Men are out of fashion.

# He was the very model of a modern missionary

Piers Paul Read

CARDINAL HERBERT VAUGHAN  
Archbishop of Westminster, Bishop of Salford,  
Founder of Mill Hill Missionaries  
By Robert O'Neil, M. H. M.  
Burns & Oates, £30

CATHOLIC DEVOTION IN VICTORIAN ENGLAND  
By Mary Heimann  
Clarendon Press, £30

CARDINAL VAUGHAN was the third Archbishop of Westminster following the restoration of a Catholic hierarchy by Pope Pius IX in 1850. In contrast to his predecessor, Cardinal Manning, Vaughan came from an old landowning family of recusant Catholics: "The Vaughans of Courtfield," it was said, "were never aught else than priests and soldiers". His father was a soldier, his uncle a bishop and five of his brothers became priests.

This background explains many of Vaughan's strengths and weaknesses: he had neither the political acumen of Manning nor the intellectual brilliance of Newman, but was an outstanding administrator who travelled the world raising funds for his St. Joseph's Missionary Society in Mill Hill and funded the building of Westminster Ca-

thedral which celebrates its centenary this year.

After an awkward start, Vaughan became a close friend of his predecessor, Henry Manning, but he differed with him on social questions, in particular on the issue of temperance. Vaughan considered that moderate drinking did no one any harm, and thought Manning's intervention in the London Dock Strike a symptom of senility. Doctrinally, he was vehemently orthodox and shared Manning's "ultramontane" views: viz unhesitating loyalty to the Pope in Rome.

This new biography by Robert O'Neil is thoroughly researched and the material ably presented. It is less

enjoyable to read than, say, David Newsome's *The Convert Cardinals* or Robert Gray's biography of Cardinal Manning. O'Neil lacks the artistry of these authors, and his subject's life was less dramatic. Also, Vaughan's spirituality and personality are both elusive, hidden by the patrician manner of this "curious mixture of an English country gentleman and an Italian monsignor". He was accused of coldness and arrogance. He could never remember people's names and he was provocatively triumphalist, rounding on those such as Lord Halifax who claimed validity for Anglican orders. He ensured that Pope Leo XIII pronounced Anglican orders

"absolutely null and utterly void".

Vaughan came across as politically conservative because of his opposition to Irish nationalism and to liberal tendencies in the Church; but as Fr. O'Neil

points out, he actually understood more effective social initiatives than the publicly "social" Catholics. He saw poverty as the cause of many pressing problems and insisted that family life was a way to combat it.

In this, and in other respects, Vaughan now seems remarkably modern. The first field for the missionary endeavour of his newly formed Society of St. Joseph was among African-Americans in the United States, many of them newly liberated slaves. He also had a prescient appreciation of the power of the press. Buying the Catholic journal, *The Tablet*, he turned it into a consistent exponent of his own orthodox views, an historical irony given *The Tablet's* liberal editorial line in recent years.

Many of the religious controversies that fill the columns of today's *Tablet* have close parallels in those of the 19th century, and even affect the

judgment of historians of the period. It has been generally accepted, for example, that after 1850 the "ultramontane" Cardinals Wiseman, Manning and Vaughan imposed Italianate devotions upon English Catholics to bring the English church closer to Rome. This is refuted in a fascinating historical monograph on *Catholic Devotion in Victorian England* by Mary Heimann who establishes that there was in fact no divide in the spirit of Catholic piety from the recusant period. Supposedly Romish practices such as the service of Benediction or the saying of the Rosary were prevalent among English Catholics in the 18th century. "Devotion, far from

exacerbating differences between Irish and English, old Catholics and converts, ultramontanes and liberals, effectively provided a common language to articulate that specifically religious dimension of life which was shared by Catholics as Catholics."

Far from slavishly obeying Rome on every question, the English bishops frequently stood their ground, in particular in retaining their own version of the catechism. Her analysis of the different editions uncovers a shift towards greater denominational distinctiveness but this is apparent from as early as the 1830s and did not follow instructions from Rome. Rather, it reflected misgivings about the ability of the Church of England to withstand the growth of scepticism and materialism in the modern world.

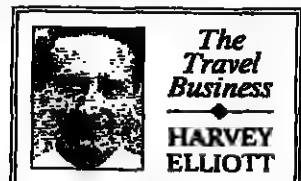


# Escaping the Heathrow jam

FEW IN the travel business — whether managing an airport, running an airline, organising air travel or passengers who regularly use Heathrow — appear to be concerned about the outcome of the Terminal 5 inquiry.

The arguments in favour of the development are, they believe, so overwhelming, so logical, that no inspector or government minister could possibly turn it down.

Yet many are making plans in case the decision does go against them. British Airways, for example, has doubled the number of flights it operates from Gatwick and



another 11 flights a week are to move there from Heathrow. The moves will be needed even if Terminal 5 is built, BA says.

Meanwhile airport operators are loudly trumpeting the virtues of Stansted, and regional airports are actively wooing Heathrow's business passengers. Some airlines are openly exploiting the snarl-up. Aer Lingus, for example, operates flights from Bristol, Birmingham, Manchester, Leeds and Newcastle to its main Dublin "hub". These are timed to connect with its daily service to New York. It is also about to announce the start of a service from

Stansted to Dublin. No wonder BAA, the owner of Heathrow, is spending vast amounts to improve facilities to retain its customers.

But the most significant change has come from the people who matter most — the passengers. Fed up with the struggle to get to Heathrow, business travellers are turning to private executive aircraft.

The number of British companies prepared to pay at least £1,600 an hour for a private charter is now running at about one a day compared with only one a week just eight months ago.

The reason, according to Air London, the market leader whose business has grown by 50 per cent over the past year, is that highly paid executives cannot spare the time to struggle to Heathrow, wait around for a flight and then be unable to hold a business meeting on the aircraft.

Only 10 per cent of European airports are served by direct scheduled services. It is therefore not surprising that those who must visit places other than the main cities now hire their own executive aeroplane — to avoid the crowds, to fly when they want to, to land at an airfield near their final destination.

Heathrow may need Terminal 5 — but the ingenuity of the airline entrepreneurs and the demands of the burgeoning "Dublin hub" will ensure that business travel goes on, even if the "unthinkable" happens and a future government turns it down.

# Late rush for the snow

By GRAHAM DUFFELL and ALEXANDRA WILLIAMS

EASTER skiing holidays have almost sold out as deep snow and unusually low temperatures in both Europe and America tempt thousands of skiers to make end-of-season bookings. The pistes on both sides of the Atlantic are expected to be filled from now to Easter with skiers — especially those with children — seeking sun, longer days and near perfect conditions.

After a gloomy start, the travel industry now predicts healthy ski holiday figures this year that may exceed even those of 1994-95. The demand has been so great that tour operators have been able to dispense with almost all special offers and discounts.

Paul Chase Gardner, managing director of Bladon Lines, said: "Deals are very hard to get. Late demand has been strong; the two weeks leading up to Easter have been selling tremendously well. Only a few odds and ends will be offered at below market price."

David Hearn, of the Ski Club of Great Britain, sees March's success as partly a legacy of the patchy January snow. Some enthusiasts are booking their second or even third holidays this season. With the unseasonal night temperatures of -20 in the Swiss Alps and -19 in Oberurg, Austria, rising to zero during the day, and with the general abundance of snow, Mr Hearn said: "It would be difficult to have a bad holiday."

There will be bargains immediately after Easter when the forecasts are that the snow



Children enjoying near-perfect conditions on the slopes

could still be good enough to create a "vintage" April. Post-Easter skiing is one of the most popular times for those involved in the ski business, who expect to be able to enjoy long sunny days on empty slopes. The ending, sun-drenched glossy photos in brochures are usually taken at this time of the year.

Most of the major package tour operators and their programmes on the weekend after Easter, which this year means April 13, although

the high Alpine resorts will stay open until May 5.

The high French resorts in the Tarentaise Valley, such as Tignes, Val d'Isère and the Three Valleys, are virtually guaranteed to have good skiing into May. Austria, often thought of as a country of low resorts, has spring skiing until May 5 in St Anton and Lech in the Arlberg. Oberurg and Obertraum, its glacial resorts of Zell am See/Kaprun, the Pitzal and Solden keep going all the year round.

In North America, where Colorado resorts tower beyond 12,000 ft, resorts will close long before the snow runs out as skiing can continue into June. Most find it uneconomical to stay open much beyond Easter and Vail, for instance, which still has good snow on the runs, will close on April 27.

After Easter, prices drop dramatically. Bladon Lines' Courchevel chalet hotel holiday drops from £609, for the week starting March 30, to £399 the following week.

Andy Perrin, Crystal Holidays marketing director, said: "Easter is a peak period, so prices are strong. When it falls too late, a lot of the extra pull of Easter is negated."

The ski market has an in-built clock running from mid-December to mid-April, no matter how good the snow is either side of this time. I go later in April — it's cheaper, less crowded and the days are longer and sunnier."

The best way to book after Easter is with smaller specialist operators, many of which are members of the Association of Independent Tour Operators (0181-607 9080).

# A rare drink that could broker a deal

By ALAN HAMILTON

YOUR average traveller pops into the duty-free at Heathrow to save a few pounds on a bottle of Scotch. Not so an anonymous Japanese gentleman who passed that way recently and paid £10,000 for a single bottle.

Not that it was any common-or-garden bottle. Rather it was an exceedingly rare, individually numbered flask of Macallan distilled in 1926, and bottled at 60 years' maturity. There is not much whisky of that age left in the world.

The customer clearly knew what he was after as he passed through the Whiskies Of The World specialist shop at Terminal 1. He made a beeline for the most expensive bottle on the premises, paid for it with his Diners' Club card, threw away the fancy packaging which included a tumbler — a case to keep one's butler from sampling the spirits intended for one's guests — and boarded the plane clutching his naked, priceless bottle.

Did he get a bargain? The Scotch Whisky Association confirmed this week that the more expensive the Scotch, the more the Japanese appreciate it. "Traditionally, premium Scotch whiskies have fared well at the gift-giving end of the Japanese market," Tony Tucker of the SWA said.

The market has in recent years seen the launch of super-premium brands, such as Johnnie Walker Blue Label, aimed specifically at Japanese corporate gift-givers. The philosophy is that the more expensive, the more desirable when exchanged between business contacts; the gentleman with the £10,000 Macallan could therefore be on his way to pulling off the deal of his life.

Is the whisky any good at such great age? Connoisseurs generally believe that single malt reaches its peak after 20 years in cask, and then does not improve much more. But Frank Newlands, Macallan's chief "nose", described the 60-year old as "quite superb, with a naturally woody flavour and the distinct Macallan hallmarks of sweetness, smoothness and fullness".

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Package holiday bookings are up, but France is threatening the future of British travel operators

## Tourists spring into action

By HARVEY ELLIOTT

THE FIRST signs of a spring regeneration in the moribund package holiday industry have begun to appear this week with thousands of would-be holidaymakers tentatively venturing back into travel agencies across Britain.

Tour operators and travel agents, who had been gloomily forecasting that Britain had turned its back on the traditional summer Mediterranean package, were relieved to see a steady trickle of families signing up for a holiday.

The increase in bookings still leaves the industry behind in its attempts to match last year's figures and even the most optimistic tour operators and travel agents predict that 10 per cent fewer holidays will eventually be sold this year than last.

This, however, is still better news for the beleaguered industry: until the last few weeks, sales of package holidays were 30 per cent below last year's level. Then in mid-February a slight improvement saw the gap narrow to about 22 per cent and by yesterday the average travel agent had sales running at between 18 and 20 per cent below last year's levels.

"At least things are better now than they were in Janu-

ary," Peter Shanks, commercial director of Going Places, said. "People do now seem to be ready to book, especially where they know exactly where they want to go, or where there are special offers. We now predict that we might end the summer only about 10 per cent down on last year."

Peter Povey, marketing director of Lunn Poly, said: "We are starting to see signs that current sales are beginning to come back into line with those in the same period last year."

Thomas Cook said that last Saturday was its busiest so far this year and Thomson said that sales in the last week of February this year were 35 per cent up on the same week in 1995. The increase, a spokeswoman said, was "quite, dramatic, the best for a long time".

Roger Corkhill, managing director of Cosmos, believes that the upsurge is taking place because holidaymakers have begun to realise that there will be fewer holidays on the market and that prices are unlikely to fall.

British Airways, whose economy class sales for the summer are still about 20 per cent down on last year, blame rising prices for the fall. "The inclusive tour companies have

raised prices by about 9 per cent in order to ensure they keep their margins," Charles Curassa, director of passenger business, said. "This has the obvious effect of choking off the demand from those who are particularly price sensitive."

Average prices have risen by between 8 and 10 per cent on last year because travel companies have withdrawn at least a million holidays from sale in an attempt to maintain profits.

But discounts are now being offered, especially on holidays to Greece, Cyprus and Turkey, and some selected holidays are selling at a £50 discount in an attempt to generate interest by tour operators unwilling to wait any longer for the promised revival.

Long-haul destinations, specialist holidays and cruises are, however, still up on last year.

Thomson is already 90 per cent sold out of its new cruising programme. Airports claims to be 50 per cent up on last year for long-haul holiday sales, and Sunvil, the niche operator which specialises in travel to Cyprus and Greece, said that it had already sold more holidays than at the same time last year.



Walkers in Chamonix: France wants British guides and campsite workers to be paid more

## French wages threat

By ROGER BRAY

FRANCE is to order employers in its tourism industry to comply fully with a domestic law which will force them to pay all staff, including British ski chalet girls and campsite workers, at least the French minimum wage.

The clampdown, which will start this summer, could raise the already high cost of holidays in France. British travel firms are seeking a meeting with Bernard Pons, the French Minister of Tourism, to protest at the ruling and seek ways of reviving package holiday bookings to France which are estimated to have plummeted 50 per cent over two years.

In 1994, France passed legislation stipulating that all foreigners employed there must be paid the French minimum wage. So far, this law has not been widely enforced. However, tour operators say that they have received warnings that it will be this summer.

Estimates of how much it would add to the price of a holiday vary from 6 per cent to 15 per cent. Typically, a

small firm organising walking holidays pays tour guides about £120 a week. The French minimum wage works out at about £200 a week. Now the Association of British Tour Operators to France (Abto) hopes to persuade M Pons to delay the implementation of the pay legislation until the European Union has agreed Europe-wide rules which would supersede those imposed by Paris. They would then attempt to persuade Brussels to exempt the travel industry entirely.

The full seriousness of the bookings crisis, emerged during Abto's annual conference, held last week in Cannes. David Burdon, general sales manager of the ferry operator Stena Line, gave a warning to delegates. "If things carry on as they are, 25 per cent of us won't be at next year's conference," he said. "These are desperate times and they need desperate measures. In 1992 the total cost of a family holiday in France was £2,000. Now it is £3,000. Petrol has gone up, VAT is up and now the French Govern-

ment is going to push up the price of labour."

Terry McCarthy, director of Stats MR, the main compiler of travel industry statistics, revealed that while bookings for European city breaks this summer are down by about 24 per cent, those to France are down 49 per cent.

Package holidays account for only about half of the three million or so Britons who take their holidays in France each year, but the number of independent travellers is also falling.

Frederic Moge, the sales director of Pierre et Vacances, the holiday apartment company, said: "We can do nothing about the value of the pound, but we feel the British market needs added value. Among the improvements we are looking at are easier check-ins and making British television channels available in all our properties via cable."

"Britain used to be our second biggest market behind Germany. Now it is behind The Netherlands, which has a smaller population. This is a ridiculous situation."

## B&B at Dylan Thomas castle

CASTLE House in the little town of Laugharne, West Wales, where Dylan Thomas lived and lies buried, opens to the public this week. John Young writes. The poet was a lodger in the early 1940s, and yesterday a commemorative plaque was unveiled by Rodney Hughes, chairman of the Dylan Thomas Society.

The building has other associations. In the grounds are the remains of the original castle, a Celtic fortress, rebuilt by the Norman de Brian family and later converted by Sir John Perrot, Lord Deputy of Ireland and reputedly the bastard son of Henry VIII, into a Tudor mansion.

During the Civil War his descendant at first espoused the Parliamentary cause, then switched allegiance to the King and paid the price when the castle was largely demolished by Cromwell's army. The present house is mostly Georgian.

From 1934 it was leased by its owners, the Starke family, to Richard Hughes, author of

*A High Wind in Jamaica*. Another resident was Clough Williams-Ellis, the architect of Portmeirion.

In 1973 Anne Starke gave the castle to the nation, and CADW, the body responsible for ancient monuments in Wales, has completed a 20-year programme of excavation and restoration. To accommodate visitors, Adam Priestland, the house's owner, is offering bed and breakfast for £16 a night per person.

Of Laugharne, Thomas wrote: "Some people live in Laugharne because they were born in Laugharne... some entered the town in the dark and immediately disappeared... others have certainly come here to escape the international police, or their wives... and some like myself just came one day, for a day, and never left."

The town was immortalised as Llaegub in *Under Milk Wood*, and the boat house where Thomas spent the last four years of his turbulent life is also open to visitors.

## UK to get fast ferry

THE DEATH of the conventional roll-on, roll-off passenger ferry in British waters came a step closer yesterday when P&O European Ferries announced the introduction of its first high speed vessel.

The monohull will enter service on the Cairnryan, Scotland to Larne, Northern Ireland route in June, ushering in the first one-hour sea crossing between Britain and Ireland.

Currently under construction in the Mjellén & Karlsson yard in Bergen, Norway, the ferry will have capacity for 600 passengers and 160 cars and will have a top speed of 35 knots, halving the current crossing time.

The announcement follows the decision by Stena to introduce giant catamarans on its Irish Sea routes later this month with the possibility of extending them to the Channel crossings in future.

The long term future for conventional ferries looks increasingly shaky. New safety regulations will force operators to make costly adaptations to their older vessels.

### BARGAINS OF THE WEEK

#### HOLIDAYS

A TWO-week self-catering holiday in Malta for £169 per person, with a flight from Birmingham, is among several late offers to the Mediterranean next week from Co-op Travelcare. Details: 0161-827 1030.

A MOROCCAN safari, leaving London on March 21 for 14 days driving and some walking in the Atlas mountains, is available for £540 per person from Exodus. Details: 0181-675 5550.

ORIENTAL Magic is offering six-night family holidays to Penang, Malaysia, from £565 per adult and £250 per child with scheduled flights from Heathrow. Details: 0645 213141.

SAVINGS of £100 on selected Tuscany villas are being offered by Crystal

#### HOLIDAYS

Italy for arrivals on March 30 and April 6. Prices for one-bedroom villas with accommodation for four people start at £200 a week. Details: 0181-390 5554.

JERSEY at Easter is being promoted by Premier Holidays with a week in a three-star hotel available for £199 per person, including return flights from Gatwick. Details: 01223 516000.

LEAVE for Mexico on Easter Monday on an all-inclusive holiday at Cancun with Kuoni. Prices start at £629. Details: 01306 742222.

ATTEND the Punctured national hunt festival in Ireland in April with Leisure Breaks, starting at £96 per person, based on four in a car and ferry travel. Details: 0151-734 5200.

#### FLIGHTS

LISBON for £99 return is available during March and April for students and those under 26 from Campus Travel. Book by March 15. Details: 0171-730 3402.

STA Travel, specialists in young, independent travel, is offering flights from London and Manchester to Karachi for £329 return. Details: 0171-361 6262.

EASTTRAVEL has a useful 1970 excursion allowing visits to both Taipei and Hong Kong. Passengers fly EVA Air with its superior economy class seating. Details: 01473 214 305.

PASSENGERS booking a seat in Air India's new Economy Plus cabin are offered more comfort and extra frills. Expect to pay £271 return for London-New

#### FLIGHTS

York with London to Bombay or Delhi priced at £505. Details: 0171-439 3627.

DANISH Airline Maersk Air will continue with its spouse fare offer until April 30. Spouses pay only 10 per cent (or £36) of the business class fare (costing £362) on flights between Gatwick, Copenhagen and Billund. Details: 0171-333 0066.

CITYFLYER has introduced business class on flights between Gatwick and Guernsey. Return fares start at £149. Details: CityFlyer 01293 567837.

PARIS and Brussels-bound Eurostar passengers joining the high speed train at the new Ashford International station qualify for free car parking until the end of March. Details: 0345-881 881.

#### ROUTES

EASTER rates at the Welcombe Hotel in Stratford-on-Avon are £190 per person for two nights, with a third night's accommodation free. The price includes breakfast and dinner for two nights. Details: 01789 295252.

THE newly refurbished Brown's Hotel in Mayfair, London, has an Easter room rate of £160 plus VAT per night. A connecting bedroom for children costs an extra £30 per night. Details: 0171-493 6020.

OAKLEY Court near Windsor is offering a three-night Easter package, including a dinner dance and Thames boat trip, for £254 per person. The hotel, set in 35 acres on the river, has been used as a setting for numerous films. Details: 01753 609988.

SHEEN FALLS LODGE, in Kenmare, County Kerry,

#### ROUTES

Ireland, is offering a St Patrick's weekend package for £210 per person for two nights. Guests can also choose from a free beauty treatment in the hotel's fitness centre or a free round of golf. Details: 00353 64 41 600.

VISITORS to the Vermeer exhibition at the Mauritshuis Museum in The Hague until June 2, can take advantage of a special weekend rate at the Carlton Ambassador Hotel of £85 per night per room. Details: 0031 70363 0363. Exhibition: 0031 703469 244.

JOIN the audience for the Three Tenors concert in Vienna on July 13 as part of a three-night luxury stay at the Hotel Sacher. The deal includes an invitation to a gala dinner after the concert. Price for the package is £2,104 per person. Details from Leading Hotels of the World: 0800 181 123.

## West Country challenge

By JACK CROSSLEY

ANGRY members of the West Country Tourist Board have written an open letter to Michael Heseltine, the Deputy Prime Minister, to rebut his claim that the industry in the area is "not being well enough managed".

Mr Heseltine's claim was made during a speech in Tavistock, his former constituency, last November. He said: "In a global market for tourism, many people would not now even think of coming to the South West."

Four days later, however, the Prime Minister wrote an article for the *Western Morning News* praising the efforts being made "to focus on your area's strengths".

Ron Morrison Smith, chief executive of the West Country Tourist Board (WCTB), this week pointed to the imaginative plans in hand to "support the development of world class visitor attractions which reflect the unique environmental qualities, historical associations and cultural strengths of the region."

"The Prime Minister and his Deputy should get their speechwriters to talk to each other," he said. "Our Regional Challenge initiatives have already succeeded in landing a £4.25 million grant to which we expect to add £3.76 million from the private sector."

Michael McGahey, chairman of the WCTB, has written

to Mr Heseltine in an open letter that the region "has had to live with a dramatic cut in government funding for tourism and to survive direct competition with Wales which receives £12 million a year compared with just £500,000 for the West Country."

"Despite all these problems, tourism in the region has not declined but has grown over the past five years."

"Today - at all levels - our accommodation, restaurants and tourist attractions offer higher quality and better value for money than in any other part of Europe."

A glossy presentation entitled "Regional Challenge - A Vision for Tourism in Devon and Cornwall" tells how money will be spent on promoting tourist routes, with roads being branded to increase awareness of them.

The A39 between Tiverton and Newquay could become "The Atlantic Way" while the Plymouth, Truro, Penzance route may be called "The Cornish Riviera".

New technology initiatives are planned with more emphasis on Visitor Information Points. "These will be high profile, clearly branded and housed in distinctive buildings - a Devonian thatched farmhouse, a Cornish tin mine's engine house."

Regional Challenge anticipates generating a million extra visitors by 1998.

## Hotels cash in on a money spinner

By TONY DAWES

AS CRICKET'S World Cup moves into its closing stages, with England preparing for their quarter-final against Sri Lanka in Faisalabad on Saturday, a leading hotel chain is offering supporters the chance to watch the final on the big screen in style with the guidance of a top player.

Novotel is staging "World Cup weekends" at four city centre hotels on March 16 and 17 as part of a new programme linking weekend breaks to leading sporting events.

The group's plan reflects the tourism industry's growing interest in capitalising on British enthusiasm for international sporting events, which will also see several hundred boxing fans flying to Las Vegas for the Bruno-Tyson contest on the same weekend as the cricket final.

"Whether England reach the final or not, there is still tremendous interest in the match and we are hoping to create a good atmosphere and a sense of occasion in our hotels," says Guy Parsons, Novotel UK's marketing director. "The game will be shown on satellite television, but not everyone has a dish or a friend they can wake at 3am to watch the action."

Visitors to the group's hotels in Coventry, Nottingham, Preston and Sheffield will be invited to a gala dinner on the Saturday night, followed by a

briefing on the final from former England players including Dennis Amis, Derek Randall and John Edrich.

They can then either watch past World Cup highlights or retire to bed before a 3 o'clock wake-up call in time for the beginning of live coverage from Lahore of the match on the big screen, with a self-service buffet and hot drinks on the side.

Novotel is planning similar breaks linked to the Open Championship golf tournament at Royal Lytham St Annes and the British Grand Prix in July, which will also give guests the chance to play a round of golf or enter a go-kart grand prix.

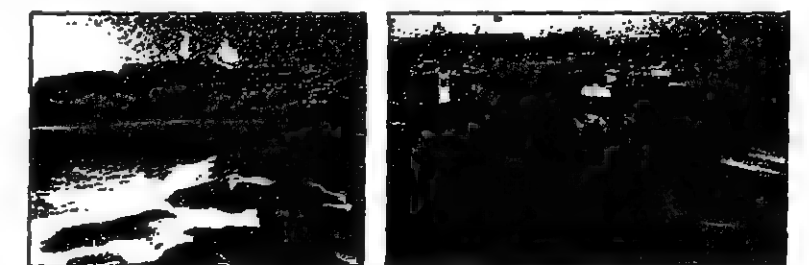
Best Western Hotels is planning to go one better by offering more expensive "getaway breaks" which will include tickets to leading events. Among its offers are two nights at the Regent Hotel, Leamington Spa, and a trackside view of the Grand Prix at Silverstone.

"We sort out the tickets, organise the coach transport so guests are spared the hassle of parking and we generally strive to give them a trouble-free and enjoyable weekend," says Sue McCrete-Butcher, of Best Western. Some Forte Hotels also offer guests activities such as horse riding and rock climbing.



Early breakfast with Mike Atherton's team

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# States liable for damages over EU incompatible laws

**Brasserie du Pêcheur SA v Federal Republic of Germany**  
**Regina v Secretary of State for Transport, Ex parte Factortame Ltd and Others (No 4)**

Joined Cases C-46/93 and C-48/93  
Before G. C. Rodríguez Iglesias, President and Judges C. N. Kakouris, D. A. O. Edwards, G. Hirsch, G. F. Mancini, F. A. Schöckweiler, J. C. Moitinho de Almeida, C. Gulmann and J. L. Murray  
Advocate General G. Tesauro  
(Opinion November 28, 1995)  
[Judgment March 5]

The principle that member states were obliged to make good damage caused to individuals by breaches of Community law attributable to the state was applicable where the national legislature was responsible for the breach.

Exemplary damages could be awarded against the state in claims or actions founded on Community law if they could be awarded in similar claims or actions founded on domestic law.

The Court of Justice of the European Communities so held, *inter alia*, on references for a preliminary ruling under article 177 of the EEC Treaty by the Bundesgerichtshof (Federal Court of Justice), Germany in Case C-46/93, by order of January 28, 1993, and the Queen's Bench Divisional Court in Case C-48/93, by order of November 18, 1992.

**Brasserie du Pêcheur**, a French company, the plaintiff in Case C-46/93, claimed that it was forced to discontinue exports of beer to Germany because the German authorities considered that the beer did not comply with the purity requirement laid down in a German law.

That must apply a *forfeiture* in the Community legal order since all state authorities, including the legislature, were bound in performing their tasks to comply with the rules laid down by Community law directly governing the situation of individuals.

**2 Conditions for state liability for acts and omissions of the national legislature contrary to Community law**

In determining the conditions under which state liability gave rise to a right of reparation, it was pertinent to refer to the court's case law on non-contractual liability on the part of the Community, as the protection of the rights which individuals derived from Community law could not vary depending on whether a national authority or a Community one was responsible for the damage.

down by the registration system in the 1988 Act, under which fishing boats ineligible for registration were deprived of the right to fish, were contrary to Community law.

In Case 246/89R *Commission v United Kingdom* (The Times October 28, 1989; [1989] ECR 3125), the President of the European Court granted an application by the Commission for interim measures ordering the suspension of the national provisions.

In further proceedings in both cases, claims were made for damages for loss suffered.

The national courts referred a number of questions concerning compensation to individuals for legislative breaches of Community law.

In its judgment, the European Court of Justice held, *inter alia*:

1 State liability for acts and omissions of the national legislature contrary to Community law

In Joined Cases C-6/90 and C-9/90 *Francovich v Italian Republic* (The Times November 20, 1991; [1991] ECR I-5357) the Court held that the principle of state liability for loss and damage caused to individuals as a result of breaches of Community law for which the state could be held responsible was inherent in the system of the Treaty.

That principle held good whatever the organ of the state whose act or omission was responsible for the breach.

In international law, a state whose liability for breach of an international commitment was in issue would be viewed as a single entity, irrespective of whether the breach was attributable to the legislature, the judiciary or the executive.

That must apply a *forfeiture* in the Community legal order since all state authorities, including the legislature, were bound in performing their tasks to comply with the rules laid down by Community law directly governing the situation of individuals.

**2 Conditions for state liability for acts and omissions of the national legislature contrary to Community law**

In the system of rules worked out by the Court with regard to article 235 of the Treaty, particularly in relation to liability for legislative measures, the Court must have regard to the wide discretion available to the institutions in implementing Community policies.

In both the instant cases, the legislatures had a wide discretion in the spheres in question, and so were faced with situations involving choices comparable to those made by the Community institutions when they adopted legislative measures pursuant to a Community policy.

In such circumstances, Community law conferred a right to reparation where three conditions were met: (i) the rule of law infringed must be intended to confer rights on individuals; (ii) the breach must be sufficiently serious; and (iii) there must be a direct causal link between the breach of the obligation resting on the state and the damage sustained by the injured parties.

The first condition was manifestly satisfied in the case of articles 30 and 52 of the Treaty.

As to the second condition, as regarded both Community liability under article 235 and member state liability for breaches of Community law, the decisive test for finding that a breach of Community law was sufficiently serious was whether the member state had manifestly and gravely disregarded the limits on its discretion.

The factors which could be taken into consideration included the clarity and precision of the rule breached, the duration of the breach, the adoption or retention of national measures or practices contrary to Community law.

On any view, a breach of Community law would be sufficiently serious if it had persisted despite a judgment finding the infringement in question to be established, or a preliminary ruling or settled case law of the Court on the matter from which it was clear that the conduct in question constituted an infringement.

While in the present cases the European Court could not substitute its own view for that of the national courts, which had sole jurisdiction to

find the facts and decide how to characterise the breaches of Community law at issue, it would be helpful to indicate a number of circumstances which the national courts might take into account.

In Case C-46/93, *inter alia*, it would be difficult to regard the breach of article 30 by the German legislation relating to the designation of the product marketed as excusable, as the incompatibility of such laws with article 30 was manifest in the light of earlier decisions of the Court.

As to the legislation at issue in Case C-48/93, the decision of the United Kingdom legislature to introduce in the 1988 Act provisions relating to the conditions for the registration of fishing vessels were to be assessed differently in the case of the provisions making registration subject to a nationality condition, which constituted direct discrimination manifestly contrary to Community law, and in the case of the provisions laying down residence and domicile conditions for vessel owners and operators.

The latter conditions were prima facie incompatible with article 52 of the Treaty. In particular, the United Kingdom sought to justify them in terms of the common fisheries policy. In *Factortame (No 3)* the Court rejected that justification.

Further, *inter alia*, if the allegation that the United Kingdom had failed to adopt immediately measures to comply with the order of the President of the Court in Case 246/89R *Commission v United Kingdom*, and that that had necessarily increased the damage caused to individuals, should be regarded by the national court as constituting in itself a manifest and, therefore, sufficiently serious breach of Community law.

As for the third condition, it was for the national courts to determine whether there was such a direct causal link. Those three conditions were necessary and sufficient to found a right to individuals to obtain redress, but that did not mean that the state could not incur liability under less strict conditions on the basis of national law.

As appeared from *Francovich* (paragraphs 41 to 43), the state must make reparation for the damage caused in accordance with domestic rules on liability, provided that the conditions there were not less favourable than those relating to similar domestic claims were not such as in practice to make it impossible

or excessively difficult to obtain reparation.

In that regard, any condition that might be imposed by English law on state liability requiring proof of misfeasance in public office, such an abuse of power being inconceivable in the case of the legislature, was such as in practice to make it impossible or extremely difficult to obtain effective reparation for loss or damage resulting from a breach of Community law where the breach was attributable to the national legislature.

For reasons given by it, the Court held that the obligation to make reparation for loss or damage caused to individuals could not depend on a condition based on any concept of fault going beyond that of a serious breach of Community law.

Imposition of such a supplementary condition would be tantamount to calling in question the right to reparation founded on the Community legal order.

**4 Criteria for determining extent of reparation**

Reparation for loss or damage caused to individuals as a result of breaches of Community law must be commensurate with the loss or damage sustained so as to ensure effective protection for their rights.

In the absence of relevant Community provisions, it was for the domestic legal system of each member state to set the criteria for determining the extent of reparation.

However, those criteria must not be less favourable than those applying to similar claims based on domestic law and must not be such as in practice to make it impossible or excessively difficult to obtain reparation.

In particular, in order to determine the loss or damage for which reparation might be granted, the national court could inquire whether the injured person had shown reasonable diligence to avoid the loss or damage or limit its extent and whether he availed himself in time of all the legal remedies available to him.

The Bundesgerichtshof asked whether national legislation could generally limit the obligation to make reparation to damage done to certain, specifically protected individual interests, for example property, or whether it should also cover loss of profit.

Torsion of loss of profit as a head of damage for which reparation

could be awarded in the case of a breach of Community law could not be accepted.

Especially in the context of economic or commercial litigation, such a total exclusion would make reparation of damage practically impossible.

Exemplary damages, referred to in one of the Divisional Court's questions, were based under domestic law on the finding that the public authorities had acted oppressively, arbitrarily or unconstitutionally.

In so far as such conduct might constitute or aggravate a breach of Community law, an award of exemplary damages pursuant to a claim or action founded on Community law could not be ruled out if such damages could be awarded pursuant to a similar claim or action founded on domestic law.

**5 Extent of the period covered by reparation**

A member state's obligation to make reparation was not confined to loss or damage sustained after delivery of a judgment of the court finding the infringement in question.

A holding to the contrary would preclude any right to reparation so long as the presumed infringement had not been the subject of an action brought by the Commission under article 169 of the Treaty and of a finding of infringement by the Court.

Rights arising for individuals out of Community provisions having direct effect could not depend on the Commission's assessment of the expediency of taking action against a member state under article 169 or on delivery by the Court of any judgment finding an infringement.

The Court then held, for reasons given by it, that there was no need to limit the temporal effect of the present judgment.

On those grounds, the European Court of Justice ruled:

1 The principle that member states were obliged to make good damage caused to individuals by breaches of Community law attributable to the state was applicable where the national legislature was responsible for the breach in question.

2 Where a breach of Community law by a member state was attributable to the national legislature acting in a field in which it had a wide discretion to make legislative choices, individuals suffering loss or injury thereby were entitled to reparation where the rule of Community law breached was intended to confer

rights on them, the breach was sufficiently serious, and there was a direct causal link between the breach and the damage sustained by the individuals.

Subject to that reservation, the state must make good the consequences of the loss or damage caused by the breach of Community law attributable to it, in accordance with its national law on liability.

However, the conditions laid down by the applicable national rules must not be less favourable than those relating to similar domestic claims or framed in such a way as in practice to make it impossible or excessively difficult to obtain reparation.

3 Pursuant to the national legislation which it applied, reparation of loss or damage could not be made conditional on fault (intentional or negligent) on the part of the organ of the state responsible for the breach, going beyond that of a sufficiently serious breach of Community law.

4 Reparation by member states of loss or damage which they had caused to individuals as a result of breaches of Community law must be commensurate with the loss or damage sustained.

In the absence of relevant Community provisions, it was for the domestic legal system of each member state to set the criteria for determining the extent of reparation.

However, those criteria must not be less favourable than those applying to similar claims or actions based on domestic law and must not be such as in practice to make it impossible or excessively difficult to obtain reparation.

National legislation which generally limited the damage for which reparation could be granted to damage done to certain, specifically protected individual interests not including loss of profit by individuals was not compatible with Community law.

Moreover, it must be possible to award specific damages, such as the exemplary damages provided for by English law, pursuant to claims or actions founded on Community law, if such damages could be awarded pursuant to similar claims or actions founded on domestic law.

5 The obligation for member states to make good loss or damage caused to individuals by breaches of Community law attributable to the state could not be limited to damages sustained after the delivery of a judgment of the court finding the infringement in question.

## Chancery Division

### Litigant need not suffer for lawyer's fault

**Pereira v Beaulands**

Before Mr Justice Robert Walker  
[Judgment February 27]

There was no principle of law that the defaults, whether by act or omission, of a litigant's solicitor must inevitably be laid at the door of the litigant himself.

In particular, where prejudice to a plaintiff was not a necessary element in his claim to bar the defence of an action, for example, where that claim was founded on the defendant's non-compliance, for which his solicitor was solely responsible, with an "unless" order, neither principle nor authority required that such claim had to be upheld.

Mr Justice Robert Walker so held in the Chancery Division in allowing an appeal by the defendant, Douglas St John Webster Beaulands, from an order of deputy Master Wall on August 8, 1995, (i) declaring that the defendant held the estate of Dennis Russell Dunn subject to due administration upon the terms of a trust for the plaintiff, Arthur Pereira, and (ii) ordering, *inter alia*, that the defendant do vest that estate in the plaintiff.

Mr Piers Feltham for the plaintiff, Mr Christopher Semken for the defendant.

MR JUSTICE ROBERT WALKER said that Mr Dunn, a bachelor, died intestate in 1991, his next of kin being mainly nephews and nieces.

Mr Andrew H. Theaker, a sole practitioner, was instructed and

letters of administration were in December 1992 granted to the defendant, who was beneficially entitled to only 5 per cent of the net estate.

On July 5, 1993 the plaintiff issued a writ claiming (i) a declaration that the defendant held the estate subject to due administration, upon constructive trust for the plaintiff and (ii) an order that the defendant upon completion of the administration vest it in the plaintiff.

The statement of claim set out allegations of promises made by Mr Dunn to leave his entire estate to the plaintiff and many subsequent services performed for him by the plaintiff, concluding that the defendant's personal representative of Mr Dunn's estate was estopped from denying the claim.

A defence, mainly non-admissions, and request for particulars ensued in September 1993. In January 1995 a master made a routine order for discovery, exchange of witness statements and affidavits in support of the claim, and in default thereof the defendant be debarred from defending the action and judgment be entered for the plaintiff.

Finally on August 8, on a summons issued on July 18, Dep-

uty Master Wall, the defendant again unrepresented, had made the order under appeal, notice of which had been promptly served, as soon as the defendant's current solicitors.

Mr Semken attacked that order for directing that Mr Dunn's estate, rather than his net estate, be vested in the plaintiff; and for containing a declaration of right such as was not normally appropriate in a default judgment.

Those points had narrowly persuaded his Lordship to hold that the deputy master's order was sufficiently irregular to be set aside.

But that holding was of secondary importance to the main issue: whether discretion should be exercised in the defendant's favour after non-compliance with an "unless" order: see *Samuels v Linde Dressed Ltd* [1981] QB 1156, 1267; *Caribbean General Insurance v Fritzel* [1994] 2 Lloyd's Rep. 32, 40; *Allen v Taylor* [1992] 1 WLR 253, 258 citing from *Alpine Bulk Transport Co Inc v Saudi Eagle Shipping Co Inc* [1986] Lloyd's Rep. 221 and *In re Joki Tea Holdings Ltd* [1992] 1 WLR 1190, 1203 where Sir Nicolas Browne-Wilkinson, Vice-Chancellor, had said "where the court required that the consequences of a failure to comply with an 'unless' order, the relevant question is whether such failure is intentional and contumacious. The court should not be astute to find excuses for such failure since obedience to orders of

the court is the foundation on which its authority is founded."

Mr Semken had urged that: 1 Although he could not provide any evidence of the defendant's intention, there was no evidence of any default by his client personally; 2 The plaintiff alleged no actual prejudice flowing from breach of the discovery order, documents in his client's possession or power being few and of trivial importance; 3 His client was not seeking to be allowed to defend primarily in a fiduciary capacity.

Those points would strongly dispose his Lordship to exercise his discretion in the defendant's favour, unless the law required defaults by a litigant's solicitor always to be laid at the litigant's door.

His Lordship then examined *Birkett v James* [1978] AC 297, 318, 324; *Department of Transport v Chris Smaller (Transport)* [1989] AC 1197, 1207; *Grand Metropolitan plc v Alexander* [1992] 2 Lloyd's Rep. 191, 192; *Alpine Bulk Transport Co Inc v Southwark London Borough Council* (unreported, November 7, 1995; CA (Civ Div) Transcript No 1356 of 1995, pp-6 and 9) and concluded, taking guidance from *Alpine Bulk Transport* and *Alpine v Taylor*, that justice required that he should set aside the deputy master's order and extend the defendant's time for giving discovery.

Solicitors: Gillian Radford & Co, North Kensington; Dean Wilson, Brighton.

## Law Report March 7 1996

### Illness justifies admission of statement

**Regina v Dragic**

Before Lord Taylor of Gossforth,  
Lord Chief Justice, Mr Justice  
Curry and Mr Justice Gage  
[Judgment February 27]

No statutory provision or legal precedent justified a submission that a trial judge was wrong to have admitted in evidence several statements made by a witness to a jury who had been ill and was operated upon so that he was and would remain unfit for an indeterminate time to give evidence at the trial of a man he had identified as being involved in the burglary.

The Court of Appeal so held in dismissing an appeal by Filip Dragic, aged 30, against conviction at Luton Crown Court (Judge Moss and a jury) on a single count of burglary, for which he was sentenced to three years imprisonment. He had been tried jointly with Alan Barry Walker, who pleaded guilty and was put on probation for two years with a condition that he have psychiatric treatment.

Section 23 of the Criminal Justice Act 1988 provides:

"(1) ... a statement made by a person in a document shall be admissible in criminal proceedings as evidence of any fact of which direct oral evidence by him would be admissible if ...

"(2) ... (a) the person who made the statement is ... by reason of his bodily ... condition unfit to attend as a witness ...

Section 26 provides: "Where a statement which is admissible in criminal proceedings by virtue of section 23 ... appears to the court to have been prepared ... for the purpose ... (a) of pending or contemplated criminal proceedings ... the statement shall not be given in evidence in any criminal proceedings without the leave of the court, and the court shall not give leave unless it is of the opinion that the statement ought to be admitted in the interests of justice; and in considering whether its admission would be in the interests of justice, it shall be the duty of the court to take regard ... (i) to the contents of the statement ... to any risk, having regard in particular to whether it is likely to be possible to controvert the statement if the person making it does not attend to give oral evidence in the proceedings, that its admission, or exclusion will result in unfairness to the accused or ... (ii) to any other circumstances that appear to the court to be relevant."

Mr John M. H. Lee, assigned by the Registrar of Criminal Appeals, for the appellant, Miss Isabel Delamere for the Crown.

THE LORD CHIEF JUSTICE, giving the judgment of the court, said that the only ground of appeal was that the trial judge wrongly exercised discretion in allowing the Crown under section 23 of the Criminal Justice Act 1988 to read the contents of two witness statements of an ill witness who was the sole identification witness in a case where there was no scientific or other evidence against the appellant and where the defence was *alibi*.

The submissions made to the trial judge were that it was not in the interests of justice for the statements to be admitted. The argument was that, since the witness was the sole witness identifying the appellant as one of the burglars and the witness could not be cross-examined, their admission would result in unfairness to the appellant.

The trial judge, in a reasoned ruling, in which he referred to the

leading cases on the topic which had been drawn to his attention, rejected the submission and the appellant was convicted.

On appeal, Mr Lee had raised the same arguments and submitted that the judge was wrong in his ruling. He submitted that where, as in the present case, the prosecution evidence was predominantly, or almost totally, the evidence of the witness who could not attend, it was not in the interests of justice to allow the statements to go before the jury in circumstances where it could not be challenged by cross-examination.

He submitted that it was important not only that the jury should hear the witness cross-examined but also to see his demeanour, but departed somewhat from that in trial after contested cross-examination where the witness had been cross-examined and the cross-examination reduced to writing.

His submission seemed to come to this: unless there was other evidence on which the issue to

which the absent witness's evidence related and could be cross-examined in the jury's presence, it would be unfair to admit the absent witness's statement under section 23 of the 1988 Act.

His Lordship said that that was a bold submission which found no support in the statutory provisions or, as Miss Delamere submitted, in any of the authorities.

She referred to the *alibi* notice which had been served and, in those circumstances, it was possible for the absent witness's statement to be controverted with out his being available for cross-examination.

His Lordship, having considered the wording of sections 23 and 26 of the 1988 Act, *R v Cole* [1990] 1 WLR 866; *Scott v The Queen* [1989] AC 1242; *R v Price* [1991] 1 All ER 882, and having distinguished *R v French* [1993] 97 Cr App R 421 and *R v Lockley*, *R v Corah* (The Times June 27, 1995), concluded that, in short, their Lordships could find no justification in either the statute or the

cases which had considered the provisions of sections 23 and 26 of the 1988 Act to justify the submissions made by Mr Lee.

In the present case the trial judge had clearly weighed the relevant considerations, his attention had been drawn to *Cole* and he had exercised his discretion to admit the statements.

Their Lordships could see no reason for saying that he was wrong in doing that.

The appeal was dismissed. Solicitors: Crown Prosecution Service, Luton.

## Correction

In *Mackenzie v Business Magazine (UK) Ltd and Others* (The Times March 5) Mr Ronald Thwaites, QC and Miss Alexandra Maraziti, instructed by David Price & Co, acted for the appellant defendants; and Mr Hugh Tomlinson, instructed by Freese Cholmeley Bischoff, for the plaintiff.

## THE TIMES

### Law and Finance Fair COMPETITION

12-13 March 1996 Telford International Centre, Shropshire

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Please enclose this form with your entry and ensure each page of your entry is clearly marked with your name, course, and the institution at which you are studying.

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## LEGAL & PUBLIC NOTICES

### PUBLIC NOTICES

#### Public Notice

#### MERCHANT SHIPPING (ACCIDENT REPORTING AND INVESTIGATION) REGULATIONS 1994

Public Notice is hereby given that pursuant to regulation 6(4) of the Merchant Shipping (Accident Reporting and Investigation) Regulations 1994, the Chief Inspector of Marine Accidents has ordered an Inspector's Inquiry into the grounding of the mt SEA EMPRESS off Milford Haven on 15 February 1996.

Any persons who desire to make representations to the Inspector which would assist him in determining the circumstances and causes of the grounding and in relation to the subsequent salvage operations should write to the Inspector at the following address, no later than 14 days from the date of publication of this Notice: Marine Accident Investigation Branch, Department of Transport, 57 Brunswick Place, Southampton, Hampshire SO15 2AN.

THE DEPARTMENT OF TRANSPORT

CHARITY COMMISSION  
Charity - The Olympic Trust in London  
The Olympic Trust in London is a charity registered in England and Wales. It is a company limited by guarantee and its registered office is at 25 Abchurch Lane, London EC4N 3DF. It is a company limited by guarantee and its registered office is at 25 Abchurch Lane, London EC4N 3DF. It is a company limited by guarantee and its registered office is at 25 Abchurch Lane, London EC4N 3DF.

### LEGAL NOTICES

#### NOTICE OF APPOINTMENT OF ADMINISTRATOR

NOTICE IS HEREBY GIVEN that I, the undersigned, have been appointed administrator of the estate of the late Mr. John Smith, deceased, and I hereby give notice that I have taken possession of the estate and am now acting as administrator.

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# Aggressive Villeneuve drives away the doubts

FROM OLIVER HOLT  
IN MELBOURNE

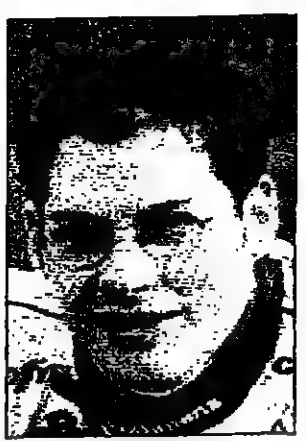
THE cautious ones beat about the bush. They prevaricate about Jacques Villeneuve, add all sorts of riders about his prospects. It is his first season, too much to expect him to win the Formula One motor racing world championship this year, has to learn the circuits, has to get used to the cars. Give him a bit of time.

Bernie Ecclestone never beats about the bush. Before Villeneuve had even sat in a Formula One car, the president of the Formula One Constructors' Association, the most powerful man in the sport, talked about the young Canadian as if he were a Messiah. "He is the only one who can give Schumacher some stick," he said. "If I was a betting man, I might have money on him this season."

Perhaps it is the return of the Villeneuve name that excites him. Good for box office to have the son of Gilles, the passionate, romantic, tragic

Gilles, in the sport and in the best car, too. Even better that he is the reigning IndyCar series champion, one in the eye for the Americans, that it makes sense to talk him up.

Whatever it is, Ecclestone is showing no signs of tempering his enthusiasm for Damon Hill's new Williams-Renault team-mate now that the new season is upon us. "He will do



Villeneuve: honesty

what ever he has to do at the time to get the result," he said. "He is like Senna as a person and Prost as a driver."

Enough said.

When you see Villeneuve, see him shuffling through the garage in his glasses, hair thinning prematurely, sticking up in tufts, it is hard to believe this is the small man all the fuss is about. Hard to believe that he is an accomplished skier who lives in Monaco, hard to believe, in fact, that this is the son of Gilles Villeneuve. He looks anonymous, unassertive. When you sit down opposite him, talk to him, the doubts vanish.

His aggressive honesty strikes you first, the candour that prevents him from indulging people who want to be told that he was thinking about his father, who was killed during qualifying for the Belgian Grand Prix at Zolder in 1982, at this time or that time. "Why would I be thinking about him now," Villeneuve said after he won

the Indianapolis 500 last year. "I wouldn't be thinking of him if he was alive, why should I be thinking of him because he is dead?"

Now, after five months of questions from Formula One journalists, who wanted to know the same thing, his attitude has not softened. "I have always known I could make everybody happy by lying. But, I don't know, I just can't."

"People called my mother after what I said at Indianapolis and said 'everybody wanted to be a hero, to be the next Formula One star', then to Japanese Formula Three, which allowed him to grow up, to party in Tokyo and discover his racing self. 'Japan taught me that racing is the edge is what you enjoy. It taught me Formula One was not the only place I had to put my butt.'"

From Japan, where he learnt a smattering of the language to go with his fluent French, Italian and English, he went to the Indy Lights series in the United States and then progressed to two successful years in IndyCars, culminating in victory at Indianapolis and the securing of the championship last year.

Not even when he was struggling in his first year in Italy did he doubt he would be where he is now. Self-doubt is the best, that's what he told me.

There have been suggestions from within Ferrari that they consider Schumacher to be a second lap quicker than any other driver, but Berger countered with: "If Ferrari maintain that he is so much faster than the rest, then what happens if he qualifies fourth on the grid? What does that say about the car?"

minute, he is saying that he only expects to win a couple of races in the new model. Is he trying to tell everyone that Ferrari have made a worse car for this season?

## Berger fires from lip

AS FORMULA One drivers prepared in Melbourne yesterday to take to the track, today, for the first practice session of the new season, Gerhard Berger tore apart Michael Schumacher's attempts to play down his chances of winning the world championship this year for Ferrari (Oliver Holt writes).

"When he first tested last year's Ferrari," Berger said, "he said with a great car it was and how he was surprised that the team had not won more races in it. The next

Villeneuve, 24, has made his way to Formula One via an unusually circuitous route. First, it was Italian Formula Three, where "everybody wanted to be a hero, to be the next Formula One star", then to Japanese Formula Three, which allowed him to grow up, to party in Tokyo and discover his racing self. "Japan taught me that racing is the edge is what you enjoy. It taught me Formula One was not the only place I had to put my butt."

From Japan, where he learnt a smattering of the language to go with his fluent French, Italian and English, he went to the Indy Lights series in the United States and then progressed to two successful years in IndyCars, culminating in victory at Indianapolis and the securing of the championship last year.

afflicts even the most talented but it seems it has never bothered Villeneuve.

"No, I never thought I might fail. Even in Italy, that thought wasn't there. That is not a thought that has occurred to me since I was born. I always felt I would make it in racing since as far back as I can remember. That was what I was going to be and that was it. To know that you can make it, you have to feel that if you work at it, you are going to get to a high level. It doesn't just fall on you. Has my confidence ever been shaken? Not yet."

And so it does not seem to worry him that Hill has been slightly quicker in pre-season testing. "I have had to adapt to the car, so I'm not paying too much attention to times."

## Court rules on Super League proposal

THE Sydney Federal Court will today pronounce on the proposal made yesterday by the Rugby Football League (RFL) that it runs a rebel competition in Australia as an alternative to the apparently defunct Super League (Christopher Irvine writes).

The RFL, which is anxious to protect the global concept of Super League and an end-of-season world championship between the leading European and Australasian sides, would employ the 300 players now in limbo after the establishment of Australian Rugby League (ARL) won a court battle outlawing Super League in Australia from starting before the end of 1999.

## King reigns

Equestrianism: Mary King, Great Britain's leading three-day event rider, was presented with the Spillers Award for the personality of the year yesterday. King, 34, won the team gold and individual bronze medals at the European championships last September. Sir Michael Turner's Chaka, winner of the British Open championship when ridden by William Fox-Pitt, won the horse-of-the-year award. Michael Whittaker has withdrawn from the Dortmund World Cup Show this weekend after an injury to his leading horse, Two Step.

## Third enough

Skiing: Katja Seizinger, of Germany, the Olympic champion, secured the overall World Cup title by finishing third behind Heidi Zurbriggen, of Switzerland, in the final downhill of the women's Alpine season in Lillehammer yesterday.

## Shade lucky

Hockey: The opening match for the Great Britain men's team at the Olympic Games in Atlanta will be against South Korea on July 21. With Britain's matches arranged either for the morning or evening, they will avoid the 80F afternoon temperatures.

OLYMPIC PROGRAMME: July 21: v South Korea; July 22: v Holland; July 23: v Malaysia; July 27: v South Africa; July 28: v Australia.

## Hall's role

Golf: Julie Hall, the former English and British Amateur champion, has been appointed championship secretary of the Ladies' Golf Union. Hall, 28, will attempt to qualify for the Curtis Cup at Killybeggs in June, and then retire from international golf.

## Henman wins

Tennis: Tim Henman reached the last eight of the indoor tournament in Rotterdam, beating Carlos Moya, of Spain, 7-6, 6-4. Henman, of Great Britain, is likely to play Pete Sampras, the world No. 1, in the quarter-finals tomorrow.

## Home fixture

Basketball: London Towers, the Budweiser League leaders, announced yesterday that they plan to make Wembley Arena an almost permanent home base from next season.

## Crossley's agility limits deficit

# Klinsmann poses main threat to Forest's progress

David Miller says a shortage of forward power is handicapping England's Uefa Cup contenders



WHAT an eternal contradiction football can be. Denied the frenzy, and the errors, of the domestic English game — a television hot-cake world-wide seller because of its action — Nottingham Forest's Uefa Cup encounter with Bayern Munich, was, now and then, almost boring because of the orderliness of its inter-passing, play and counterplay.

So where lies the answer for English clubs, for English managers such as Frank Clark? Somewhere in between, I suppose, which is about where Forest are: highly competent, without being like trophy winners. Educated in a European Cup-winning team under Brian Clough, Clark is pursuing sound policies. Had he not been obliged to sell Collymore, Forest might well be in contention to be among the front rank of Europe.

The only serious difference between Forest and the Bundesliga leaders is Jürgen Klinsmann, still sharp enough to be a continual threat on Tuesday night, scorer of the first goal — when unmarked! — and only denied a second, which would have given Bayern a 3-1 margin in the quarter-final first leg, by one of Mark Crossley's several exceptional saves. By comparison, I would have fired Campbell and Roy for lack of effort.

In any such international fixture, never mind disjointed creative service from midfield, any forward should leave the pitch exhausted from a ceaseless attempt to shut down, or at least limit, opposing defenders in possession. Campbell and Roy, though paid thousands a week, barely broke sweat. Clark, conversely, said their performances were acceptable.

His disappointment lay in the fact that Forest lost an away leg which they might

have drawn by conceding two goals partially through defensive errors, especially the second. "We opened up, giving the ball away, at a time we shouldn't have, just before half-time, when Bayern were visibly starting to become frustrated," Clark said.

Even though he admitted that he had no quibble, on the right, with Bayern's margin, most managers, like most players, tend to be subjective. In criticising Bayern's second goal, Clark conveniently overlooked the fact that Bayern were unlucky not to have regained the lead moments before, when Crossley surprisingly dropped a long diagonal cross from the veteran Matthäus. Nowadays suspect through injury, Matthäus played mostly so deep as a sweeper, he might have been one of the ball boys behind the goal.

I thought the first goal conceded, after 17 minutes, to be the more glaring error. For the second, the ball was given away in Bayern's half of the field, and the highly promising Scholl cut through the heart of an off-guard defence to take Storz's return pass and sweep the ball wide of Crossley.

For the first, Zickler, who

played wide on the right, crossed him into the goal-mouth. Haaland, deputising for the suspended Cooper — who missed his first match of the season and was a serious loss — was caught ball-watching three yards the wrong side of Klinsmann, and that was that.

If Forest might have been dismayed, they were reassured barely a minute later, Clark said afterwards that Forest had been aware, from a study of videos, that Bayern were possibly vulnerable on crosses to the far post from wide on the left. The home-work proved an investment. Kahn, the Bayern goalkeeper, flapped limply at a free kick and missed. Cheltie, from a seemingly impossible angle, wide of the post on the right and standing almost on the by-line, headed fiercely into an empty net.

Occasionally in the second half, Stone and Woon, counter-attacking from deep, might have unhinged the Germans, but it was Bayern who came closest to scoring at least twice more, both times thwarted by Crossley.

First he made a remarkable double save, deflecting Helm's close-range header on to the crossbar, then immediately scrambling off the ground to turn Kreuzer's header from the rebound over the top; then he dropped on to Klinsmann's header from no more than five yards.

"We will have to play better at home than we did tonight," Clark said. For a start, they should put greater pressure on Matthäus. Bayern are anything but safe.



Dumitrescu is confident that he will finally become a West Ham player next week

## Permit victory for Dumitrescu

CHANGES to the criteria used in assessing work permit applications for footballers will be announced at a press conference at the Department for Education and Employment today (David Maddock writes).

It means Ilie Dumitrescu and Marc Hottiger are almost certain to be granted permits after initially having them refused.

Dumitrescu moved from Tottenham Hotspur to West Ham United, and Hottiger from Newcastle to Everton. The pair, however, were refused new permits,

despite being internationals, because they had not appeared in at least 70 per cent of their former clubs' matches.

Cheryl Gillam, a junior minister at the department, set up a summit with the Football Association, FA Carling Premiership, the Professional Footballers' Association and the Scottish Football Association after criticism of the system, which ignored the international claims on both players. Dumitrescu, with Romania, Hottiger with Switzerland.

The indications are that the

outcome will support both players' applications. "From what I have been told I am hoping to have clearance through early next week, which would allow me to play for West Ham at Newcastle," Dumitrescu said last night.

Manchester City are likely to sign two more overseas players. Giuseppe Mazzarella, a midfielder player from FC Zurich of Switzerland, is on trial at Maine Road and Alan Bell, the City manager, agreed yesterday to sign Mikhail Kavashvili, a Georgia international forward.

## Barbarians have no answer to Townsend

BY DAVID HANDS  
RUGBY CORRESPONDENT

NORTHAMPTON have been averaging 50 points a game in the league this season. In the guise of East Midlands yesterday they could not quite manage the same, beating the Barbarians 47-19 in the annual Mobbs memorial match at Franklins Gardens. Even so, they managed to reverse the trend in favour of the invitation club.

East Midlands would have included eight internationals had not Jonathan Bell, of Ireland, withdrawn with flu and, as Northampton, their recruitment for the first division next season will be careful. "We are not in the habit of stockpiling players and we have turned down a number of internationals this season," Geoff Allen, their chief executive, said.

Their confident, flowing rugby was evident to a crowd exceeding 5,000, with the catalyst the brilliant Scot, Gregor Townsend. His change of pace dumbfounded a number of wise old heads among the Barbarians, and his influence paved the way for a 28-14 interval lead. He also scored two tries after the break.

However, the Barbarians did provide a memorable moment for Colin Johnson, 43, who has been locking the scrum for Bishop's Stortford for more than a generation. He scored their first try.

SCOTLAND: Men's tournament: First round: J. Burrow (Ed) to A. Corbett (Ed) 3-6; 6-3; 6-4; 4-1; 4-0. Four draws: 5-5; 5-5; 5-5; 5-5. Second round: J. Burrow (Ed) to A. Corbett (Ed) 3-6; 6-3; 6-4; 4-1; 4-0. Four draws: 5-5; 5-5; 5-5; 5-5.

BARBARIANS: P. Hogg (Ed) to J. Burrow (Ed) 3-6; 6-3; 6-4; 4-1; 4-0. Four draws: 5-5; 5-5; 5-5; 5-5.

## TUESDAY'S LATE RESULTS

UEFA CUP: Quarter-finals, first leg: Bayern Munich 2 Nottingham Forest 1; Lazio 2 Roma 1; AC Milan 2 Borussia Dortmund 1; Arsenal 2 Manchester City 1.

ENGLISH INSURANCE LEAGUE: First division: Barnet 1, Watford 2; Watford 1, Barnet 2; Watford 1, Barnet 2; Watford 1, Barnet 2.

SCOTTISH LEAGUE: First division: Celtic 1, Rangers 2; Celtic 1, Rangers 2; Celtic 1, Rangers 2.

FA CUP: Quarter-finals, first leg: Arsenal 2 Manchester City 1; Arsenal 2 Manchester City 1; Arsenal 2 Manchester City 1.

ENGLISH INSURANCE LEAGUE: First division: Barnet 1, Watford 2; Watford 1, Barnet 2; Watford 1, Barnet 2.

SCOTTISH LEAGUE: First division: Celtic 1, Rangers 2; Celtic 1, Rangers 2; Celtic 1, Rangers 2.

FA CUP: Quarter-finals, first leg: Arsenal 2 Manchester City 1; Arsenal 2 Manchester City 1; Arsenal 2 Manchester City 1.

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## FOR THE RECORD

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15, J. Tanner







# Undermined in twinkling of a magic eye

**A**rmed with video cameras and walkie-talkie radio links, you half expect today's officials to appear with CS gas cannisters strapped to their belts. It may sound crazy but, increasingly, referees and umpires are being urged to make use of technological back-up systems that would not be out of place in a sophisticated police force.

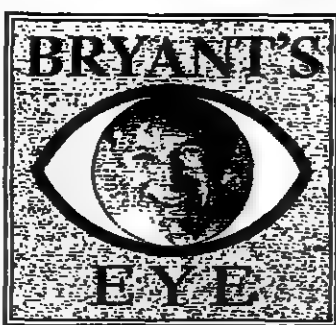
This time, Leonard has been hauled up before a disciplinary hearing for allegedly throwing a punch at Rob Wainwright during a game between Scotland and England v Scotland rugby match at Murrayfield on Saturday. The incident went unmarked by the referee. The evidence against Leonard comes from video footage – the BBC film of the game and, apparently, a tape from another camera. But why stop at two cameras? If we are going to hand over the running of our games to technology and have post-match trial by camera, why not have an electronic spy every ten yards?

For decades, referees and umpires have been subjected to taunts about everything from their eyesight to their parentage, but nowadays everyone can join in and play fantasy refereeing by watching television. There it all is — on video, in slow motion, from every angle and with endless replays. Every error is captured, every decision picked to pieces. What chance has the referee got?

More fundamentally, if we hand the refereeing over to the cameras, what chance have our games got? It is one thing to use the video as an aid to post-match disciplinary procedure, but increasingly the fashion is to use it for on-the-spot decision-making. Rugby league plans to start using it in the summer to arbitrate on try-scoring decisions. In televised matches, referees will be able to call for assistance over touchdowns just as cricket umpires can call for a ruling on run-outs.

The so-called third eye in cricket was used to dangerous effect recently when South Africa forced a video replay that proved *Graham Thorpe* had been run out. The umpire was proved to have made a mistake, but if players are allowed to call in the camera to contest every close decision, the game will dissolve into chaos. American football tried the third eye but abandoned it. An instant-replay official was introduced, and both teams were allowed a limited number of appeals, but the replay booth was junked in 1991 when it was concluded that it slowed down the action and undermined the referee's integrity.

The damage done to the ethos of the referee as absolute arbiter of the game is the video camera's most dangerous shot. It has always been drummed into even the most rebel-



hious of sportsmen that the referee's decision is final, but it is a rule that was terribly undermined by a decision in Germany two years ago to replay a football match between Bayern Munich and Nuremberg, after television proved that a shot from Thomas Helmer had not crossed Nuremberg's onalline.

The 2-1 scoreline to Bayern was annulled. Fifa, the sport's world governing body, pointed out that the statutes of the game state simply that "the referee's decision on points of fact connected with the play shall be final so far as the result of the game is concerned". Yet Germany was allowed to ignore the instruction, the game was replayed, and Bayern won 5-0. A triumph for the camera, a setback for the game.

got by with no referees or umpires at all — and certainly no cameras. The arrival of sanctions and arbiters came surprisingly late to many games. In the early 18th century, umpires were unknown in cricket, and in rare moments of dispute an old player or an experienced onlooker might be called on for help. It was only when cricket, rather like prize-fighting, came to be promoted as a vehicle for huge money, that umpires

Even in football — with its original rule No 3: Kicks must be aimed only at the ball — there was at the start no call for policing. When the laws were first framed, it was presumed that infringements would occur only by accident. A player handling the ball or tripping an opponent would back off and give the ball to his victim. The FA Cup brought with it the introduction of an umpire for each half, and a referee whose job was to deal with disagreements between the umpires.

The referee was first armed with a whistle in 1878, but it was not until 1895 that he took full control of the game and the umpires became line-men. When the penalty kick was brought into football, in 1891, there were many who thought it quite unnecessary. There was fierce opposition from those in the public school tradition, with players in the Arthur Dunn Cup, inaugurated in 1902 as a

competition for old boys' teams, refusing to recognise the rule's existence. As late as the 1920s, there were amateur teams so appalled at conceding a penalty that they would instruct their goalkeeper to stand aside and offer up an empty net.

Such sportsmanship is, sadly, long gone, its values distorted and hacked to death by generations dedicated to the win-at-all-cost professional foul.

**T**he Calcutta Cup match on Saturday was decided entirely by penalty goals: the video inquest on the Leonard incident a sorry postscript to the game. But there is one bit of footage from Murrayfield that is worth rerunning. It shows the referee moving the ball forward ten metres when given some lip by the Scotland prop, Peter Wright. When Wright protests once more, the ball is moved a further ten metres.

Life is far too short to keep up with the tangled laws of rugby union, but here is one rule that is simple, effective, and could be usefully taken up by other sports — particularly football. Enforcement of simple rules like that could start a trend of officials winning back control of the game without the *crutches* and *gimmicks* of technology.

JOHN BRYANT

# Ballesteros back but bunkered in holiday mode

**FROM JOHN HOPKINS, GOLF CORRESPONDENT  
IN BARAT**

**SEVERIANO BALLESTEROS** started playing tournament golf yesterday just as he had left off last year — unfortunately. His first drive flew 120 yards into a tree; his second shot hit another tree; his third found a bunker. The hole was a par four; he took six. Now, what was the Spanish for the more things change, the more they stay the same?

Ballesteros called a halt to tournament golf in September last year after a run of bad play had culminated at the Ryder Cup, where, in the singles, he played nine holes without hitting either a fairway or a green in regulation figures. "I was not enjoying the game at all," Ballesteros said. "I was not playing well. I had no confidence. I was hitting the ball all over the place, so I decided to stop."

On the evidence of his opening strokes in the Sahara Cup, a team event pitting Europe against Africa, at Royal Dar-es-Salam, Rabat, on the day before the Moroccan Open, Ballesteros is not playing any better now. At least, he has an excuse. He has not played competitively for five months. Instead, he had gone to see some films, played with his children, cycled, visited parts of Spain that he did not know. "If anything, the break was a little too short," Ballesteros said. "I have done

things I have not been able to do in the previous 20 years. Everything except play golf." At his best, Ballesteros had a sheen about him. His black hair glistened and his smile, when he flashed it, seemed wider than the Rio Grande. He has shed 12lb during his five-month lay-off and he appears more rested. His eyes do not look haunted now. The tasks ahead of him are to rediscover his old golfing skills while accepting the responsibilities incumbent upon him as the newly-appointed captain of the Europe team for the Ryder Cup match in Spain in September 1997.

He has no doubts about *their enormity. He has asked for patience before judgments are made about his golf, saying that his confidence is not good and that he needs to compete. The competition in Morocco is provided by seven fellow Ryder Cup players, including Ian Woosnam, who has won two of the three tournaments in which he has competed this year.*

It is going to be a long haul for Ballesteros and he knows that he will be asked repeatedly if he will be a playing captain in 1997. "I would like to be," he said yesterday as he had on the day of his appointment as captain, "but I will play only if I feel I am ready and good for the team."



**Steve Tikolo sweeps the ball away on his way to a defiant 96 as the Kenyans chase a record Sri Lankan score**

## Impulsive Lara bats on sticky wicket

**WITH** the West Indies captaincy up for grabs, Brian Lara might have been expected to play a cautious innings. Not a bit of it. After the stunning defeat by Kenya — a result that sealed the fate of the outgoing leader, Richie Richardson — Lara is said to have gone into his opponents'

Lara was severe on the West Indies team management, accusing it of bias against him as a Trinidadian — which was why, he said, there were calls for him to be suspended for refusing to tour Australia.

Lara is not much kinder to his team-mates, whom he would like to be more mindful of his greatness. "When the guys [journalists] ask them about me they go around saying stuff like 'One person doesn't make a team'. He doesn't, obviously. But they never say encouraging stuff like 'Yes, he's a great player, others should learn from him'."

He admitted there were problems in the team. "Some of us don't even talk to some of the others," he is reported as saying. "It's that bad."

Lara told the Kenyans: "It wasn't that bad losing to you

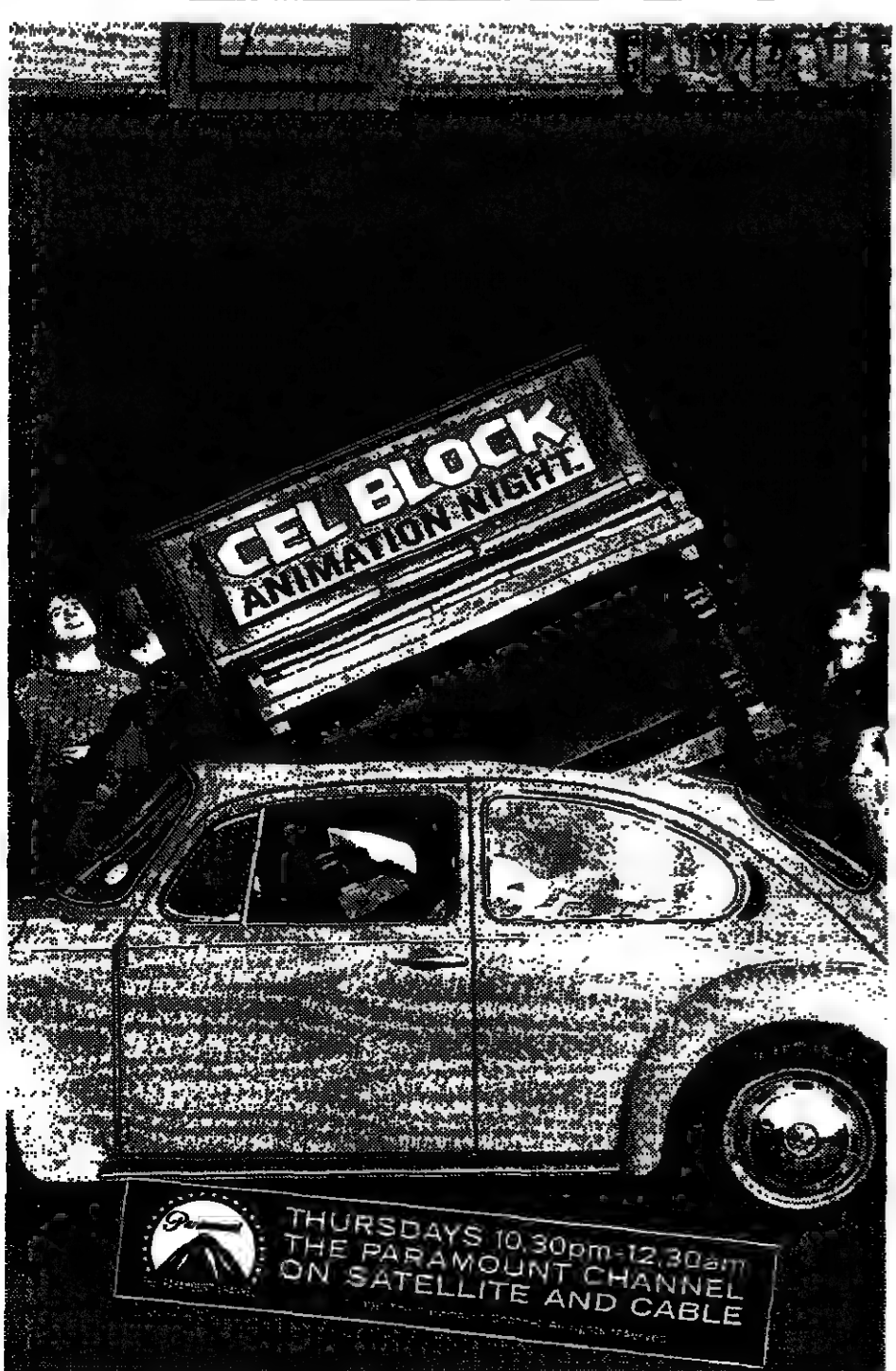
**Simon Wilde's**  
**WORLD**  
**CUP**  
**EXTRAS**

With the promise of more friendly bowling to come, each might fancy his chances of surpassing the tally of sixes hit by the World Cup's first "pinch-hitter". Mark Greatbatch, of New Zealand, who rattled up 14 in the last World Cup of 1992.

## Runaway losers

is the first World Cup side between the wickets. England can never be discounted from a contest like this one — witness their casualness against South Africa — but the prize must go to Australia.

They may well burn the midnight oil at their Academy, but they sustained five run-outs against India — which equalled the World Cup record — and three against West Indies.

[illegible]

8.10 **Fanning Time** 7.25  
 9.00 **The Day After Tomorrow** 8.25  
 10.00 **7.00, 7.30, 8.00, 8.30**  
 News 7.25, 8.25 **Sport 7.46**  
 Thought for the Day with  
 Archbishop Desmond 8.40  
 Yesterday in Parliament 8.58  
 Weather

9.00 **News 9.05** **The Moral Maze**  
 10.00 **News** A Little of What You  
 Fancy (FM only) David  
 Jason stars as Pop Larkin  
 and Pam Ferns as Ma in Eric  
 Price's dramatisation of the  
 novel by H.E. Bates (A6)

10.00 **An Act of Worship (LW only)**  
 10.15 **This Scorpion's Joke (LW only)**  
 10.25 **News** The actress  
 Helen McCrory tells James  
 Murray to talk about her new  
 television role as an  
 underground worker against  
 Hitler. Serial: Seasaw by  
 Deborah Moggach Read by  
 Brian Bourne (A12)

11.30 **From Our Own**  
 Correspondent

12.00 **News: You and Yours**  
 12.25 **News** on British  
 Studios. Denham (A4)12.55  
 Weather

1.00 **World at One** With Nick  
 Clarke

1.40 **The Archers 1.55 Shipping**  
 Forecast

2.00 **News: Latent and Hardy.**  
 See Choice

2.00 **News: The Afternoon Shift.**  
 Brian Denham

4.00 **News 4.05 Kaleidoscope.**  
 Paul Allen sees *Resurrection*,  
 a new play about Samuel  
 Johnson, and the Welsh  
 National Opera's version of  
*Cow and Pig* by Eliahu

4.05 **Short Story: Amused Like**

5.00 **PM** With Nigel Wrench and  
 Jackie Hargrave 5.50  
 Shipping Forecast 5.58  
 Weather

6.00 **5 O'Clock News**  
 6.20 **People Like Us (5/6) (1)**  
 7.00 **News** 7.05  
 7.30 **Soundtrack. See Choice**  
 (1/6)

8.00 **Analysts. The Moral**  
 Maze. Many political,  
 religious and educational  
 leaders believe that Britain is  
 in the grip of a moral crisis.  
 8.45 **News** Groove rock stars

9.00 **Stranger than Fiction.**  
 Rosemary Anne Sisson,  
 president of the Writers'  
 Guild, says what her story is  
 told in *Chances* (2/6)

9.00 **Does He Take Sugar?**  
 9.15 **News** Sent by Judy Gamble

9.30 **Kaleidoscope (1) 9.59**  
 Weather

10.00 **The World Tonight.** With  
 Robin Lush

10.45 **Book at Bedtime: My**  
 Autobiography by Charles  
 Chaplin. Read by Nigel  
 Benson (A10) (1)

11.00 **S-Llaughter in the Dark.**  
 Manus Brill's comedy-drama  
 series of wretched, bumbling  
 cops and detective Jack  
 Durnoozy (A4)

11.30 **Postcard from Gotham (FM**  
 only)

11.40 **Stories** (1)

12.00 **News** 12.05 in Parliament (LW  
 only)

12.00 **News** 12.27am **Weather**  
 12.30 **The Late Book**  
 Foreign Parts. Stobhan  
 Redmond reads Janice  
 Galloway's story edited by  
 Georgina Brown (A11) (1)

12.48 **Shipping Forecast 1.00** As  
 World Service

1.00 **News** 1.05

**FREQUENCY GUIDE. RADIO 1.** FM 97.8-98.8. **RADIO 2.** FM 88.5-  
 90.2. **RADIO 3.** FM 90.2-92.4. **RADIO 4.** FM 92.4-94.5. **LW:** 18. **SW:**  
 2.00. **RADIO 5.** LIVE. MW 693, 900. **WORLD SERVICE.** MW 648. **LW:**  
 18. **CLASSIC FM.** CLASSIC FM. FM 100-102. **VIRGIN RADIO.** 100.8-  
 101.8. **FM 1187, 1215.** **TALK RADIO UK.** MW 1053, 1065. **Radio**  
 and radio stations. Gillian Moore.



# A picture of perfect harmony at the coal face

Clifford Jones, sec. was adamant, a-d-a-m-a-n-t. The stereotype of the Welshman working down the pit, singing and playing rugby, was a media myth. "It's not true," protested the new manager of Tower Colliery. He glanced down at his watch — just time for a few place-kicks before choir practice.

That last sentence is not true by the way, but it might easily have been. For John Alexander's film for *Modern Times* (BBC2) last night confirmed as many preconceptions about the Welsh as it dismissed. Its soundtrack may have been a commendably choir-free zone, but they are digging coal again at Tower — thanks to 240 miners who paid £3,000 each to buy the pit from British Coal.

Their story was told with the sort of sing-song eloquence that I thought had disappeared when Neil Kinnock was packed off to

Brussels. They may have shut down the outside-half factory, but Wales is still turning out natural born orators like they are going Kinnock, they largely have.

Like Tom or Lloer, there is something undeniably impressive about a Welsh public speaker in full flow. There is the passion (valleys of it), the pauses (pregnant or for applause) and the repetition (lots). But most of all there is that doesn't really matter in what the words come out, it will still sound beautiful.

On the basis of this film, Alexander is not a fly-on-the-wall director. He favours the set pieces — the marches, the meetings and the ministerial visits. It is a style that suited our loquacious hero, Tyrone O'Sullivan (now there's a good Welsh name). O'Sullivan was the poacher-turned-gamekeeper, the branch secretary of the National Union of Mineworkers who,

in the new order, had become personnel director. He is, in short, a man accustomed to spending time on his hind legs.

We saw him magnificent with the megaphone: "People tell me about Tower NUM office. It's been my life [pause] all my life." But just as he was ready to dismiss him as yet another Welsh windbag, he delivered a genuinely touching speech to a reunion of retired miners, miners (these repetitions are catching) too old to share in the brave new world of profits, dividends and stock market fluctuations.

To a certain extent, the pit's success was the film's weakness. Barring an old fashioned squabble over differentials, the mine's first year was a dazzling triumph.

## REVIEW



Matthew Bond

Having grown fat on a documentary diet of set-back and adversity, this took a bit of getting used to. What was fascinating though, was the impact success had had on the workforce, as demonstrated at the first annual general meeting.

Although they grumbled about directors' fees, the miners themselves had become capitalists, adamant, a-d-a-m-a-n-t, that the re-

wards ahead should be kept for the founding shareholders, rather than any lean-on-lattices. New workers should be on contract, suggested one to applause.

This produced howls of socialist indignation from... the board of directors. "Bloody ridiculous... We set this company up to give people, working people, a fair share and a fair shake in life... fulminated O'Sullivan. Clearly not a man to be kabbled by anyone.

One of the cornerstones of the programme that followed, *A Man's World* (BBC2), was that big boys don't cry. This is, of course, nonsense. Stick a group of Welshmen in front of a video of Five Nations' victories from the 1970s and you'll have them blubbing like babies before you can say JPR Williams.

Along with being good at games and physically brave, learning to control emotion was an essential part of boyhood in the early half of

the century. This was rather more dangerous ground than perhaps the makers of *A Man's World* had realised, their clever mix of personal testimony and archive footage being haunted by a million parodies that have gone before.

For times were tough in them days. Tough, you call not crying when you were caned on the hand or when your mother sent you to boarding school, tough. You were lucky to have a mother — or a hand, come to that.

Not that it was all bad, oh no. I remember when you could go round the world, buy a season ticket to Preston North End and take your girl to the pictures every night for a month... and still have change from half a crown. And people used to say good morning to you in the street.

Rather a lot of last night's programme was like that. But the

obvious sincerity of the participants together with the inspired choice of Tom Georgeon (last seen in *Between the Lines*) as narrator, just about kept the giggles under control. But then big boys don't do that either.

In search of something a little more contemporary I turned to ER (Channel 4) and discovered that a timing problem of its own — it was Christmas in the emergency room. We knew it was Christmas because Carol was singing carols, there was a patient with a white beard suffering from an outbreak of ho-ho-hos and people were shouting things such as: "Put the Virgin Mary in there." No babies were actually born, but one was reunited with her tearful grandmother who just happened to be a concentration camp survivor. Be it March or December, no one does Christmas — or Hanukkah — quite like the Americans.

## CHOICE

### Parsons on Class On Your Uppers

BBC2, 8.00pm

At the start of his exploration of the British class system, the journalist Tony Parsons offers a thesis. As the aristocracy is in decline and the traditional working class no longer exists, the future lies with the middle class. The first part of this proposition is tested with a visit to Manchester Castle in Cumbria, where the triple-barrelled Gordon-Duff-Penningsons are struggling to hold on to their family seat. They have already been forced to sell their land, some of it to a self-made man who sells tyres. The family silver is up for auction as the Gordon-Duff-Penningsons still face a £2.5 million repair bill for the castle. Supporting artists may not be a popular cause but Parsons clearly thinks we should feel sorry for them.

### African Express

Channel 4, 8.00pm

The brief of this series is to counter the negative image of Africa as a land of an unexpected story from the former French Congo. This mainly black country is having an invasion of white Afrikaners from South Africa and both sides seem happy. For the South African farmers it is a chance to work on more fertile soil, while the Congolese welcome the promise of economic revival. From South Africa itself comes a report of another sort of revival: a report of apartheid, traditional African healing is making a comeback, its relations with Western medicine are generally cordial. Through President Mandela's former GP has his doubts. The darker side of Africa emerges in an interview with The Gambia's military dictator, Captain Yahya Jammeh, who ended 30 years of civil war.

### Thief Takers

ITV, 9.00pm

Once again in this series the guest characters turn out to be more interesting than the resident team. Persuasively played by Danny Dyer and Liz Walker, Alex and Catherine are a teenage tearaway who hold up shops, steal cars and commit murder, with the vague idea of acquiring enough money to start a new life in a foreign country. There is a hint of Nicholas Ray's film noir classic, *They Live By Night*, though without the poetry. Alex and Catherine are hardly an appealing pair, but they do offer a much-needed human context to the somewhat robotic Flying Squad team which has the job of tracking them down. With audiences of around 12 million, *Thief Takers* has found its niche, but its eponymous cops could do with more definition.

### Journalist Tony Parsons (8.00pm)

8.00 **Persons on Class: On Your Uppers.** (Ceefax) (s) (7194)

8.30 **Top Gear.** Quentin Wilson looks into the big business of personalised car numberplates. (Ceefax) (s) (6129)

9.00 **FILM: Blind Spot** (1993) starring Joanne Woodward and Laura Linney. Drama about a congressman whose brilliant career is threatened by his daughter's addiction to cocaine. Directed by Michael Toshiyuki Ueda. (Ceefax) (s) (8668)

10.30 **Newsnight.** (Ceefax) (838194)

11.15 **Late Review** presented by Mark Lawson. (s) (261552) 11.55 **Weather** (507113)

12.00 **The Midnight Hour** with Trevor Phillips. Political chat show (s) (71868)

12.30am-6.00 **The Learning Zone**

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Liz Walker and Danny Dyer (8.00pm)

8.00 **Thief Takers.** Police drama (Ceefax) (s) (2736)

10.00 **News at Ten** and weather (Teletext) (84203)

10.30 **Regional News** (Teletext) (835562)

10.40 **Getaway.** Linda Ward visits Sidmouth Festival. Anne Gregg walks along Britain's Crown Peninsula and Graham Purches helps to restore some of our industrial heritage on a canal called Wilshire. This week's postcard comes from Vienna (732991)

11.00 **On the Line.** Live discussion hosted by Ken Rees (392823)

11.40 **Prisoner Cell Block H** (826823)

12.35 **Cartoon Knowledge** (3410392)

1.35 **Not Fade Away** (s) (8349211)

2.35 **Shift** (8375494)

3.30 **The Story of Steam** (s) (8472446)

4.10 **Music Box Project** (86377408)

4.30 **The Time... the Place** (s) (82779)

5.00 **The New Mr & Mrs Show** (s) (86802)

5.30 **Morning News** (85683)

11.00 **The Sweeney** (817858) 12.00 **Class: Sport** (826589) 1.10 **Class: Sport** (826589) 2.05-3.00 **Shopping** (826589)

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## ATHLETICS 39

OLYMPIC TIME-WARP  
FRUSTRATES ZODIAC'S  
RISING AMBITION

## SPORT

THURSDAY MARCH 7 1996

## RACING 41

TRAINER IN HUNT  
FOR TREASURE  
AT CHELTENHAM

## Inquiry decides not to punish Leonard



Leonard: cited by SRU

BY DAVID HANDS  
RUGBY CORRESPONDENT

JASON LEONARD, England's most-capped rugby union prop forward, escaped suspension last night in a decision which will provoke considerable debate among the five nations. A disciplinary hearing ruled that the evidence presented by the Scottish Rugby Union over a punching incident in the Calcutta Cup match last Saturday was inconclusive.

This will leave the England selectors free to choose Leonard for the championship match against Ireland on March 16 when they meet tonight, since the Rugby Football Union (RFU) will not

impose its own ban. The union has been known to do so, notably when it suspended four players in 1987 after the Wales-England game in Cardiff, but disciplinary proceedings are now heard by a neutral arbiter.

"The RFU fully accepts the decision of the commissioner appointed on behalf of the five nations committee and considers the matter now closed," a statement read. In fact, the hearing was chaired not by Jacky Laurus, the Frenchman who was the match commissioner at Murrayfield but by Marcel Martin, his countryman and a veteran International Rugby Football Board member.

In this case Martin has taken a charitable view. Leonard was caught by television cameras apparently delivering a punch at a maul which, when it broke up, left Rob Wainwright prone.

Wainwright, the Scotland captain, was clearly stunned and though he did not leave the field, was far less effective against England than in any previous match of the championship. Scotland lost the match 18-9 and with it the grand slam. Wainwright was subsequently found to have been concussed and will not play again for the statutory three weeks.

Scottish officials made a careful study of BBC videotape and their own videos

after the match, and did not invoke the citing procedure until Sunday afternoon, after the English party had returned to London. Having decided to do so they will

Bryan's Eye ..... 42  
France ring changes ..... 39

clearly be disappointed that Leonard, 27, has escaped punishment.

"I was always confident that I would not be found guilty of any act of foul play," Leonard, who was winning his 48th cap, said. Indeed Leonard, first capped in 1990, has an outstanding disciplinary record but in the present climate,

which has already seen two players suspended during the championship, a ban was a genuine possibility.

The recommended punishment for punching is a 30-day ban but Leonard's defence, aided by Roger Looker, the chairman of his club, Harlequins, will have made much of another incident late in the game when Scott Hastings flailed at Martin Johnson and was penalised by Derek Bevan, the Welsh official who is the most experienced international referee in the world.

It will have been argued at the disciplinary hearing, held at the Lensbury Club, in London, that if one punch justified only a penalty then another, which went unseen

by the referee and his touch judges, should not constitute a suspension.

"After a detailed review of the video evidence and having heard the player, who pleaded not guilty, the commissioner decided the evidence was not conclusive enough to find Leonard guilty of foul play," a five nations committee statement said. It is believed that Leonard stressed that he went into the maul using the forearm rather than fist to dislodge players surrounding the ball.

He was the first English player to be cited under procedures only recently introduced in the northern hemisphere and not with the wholesale approval of some administrators.

There is an obvious danger that scrutiny of match recordings may become wholesale if one country has sufficient motivation to do so.

Not that the SRU, whose director of coaching, Jim Telfer, attended the hearing yesterday, should be accused of doing so. Telfer is the most realistic of administrators and would only have concurred in the complaint if he genuinely believed it. There may be a feeling throughout the five nations that, once again, England have got away without punishment in a situation where others — such as France, who suspended Richard Dourthe in January after a kicking incident — have suffered more harshly.

## Pakistan set up early episode of neighbours

FROM ALAN LEE, CRICKET CORRESPONDENT, IN LAHORE

PAKISTAN concluded their World Cup preliminaries yesterday with victory here at the Gaddafi Stadium, to where the entire country expects them to return for the final a week on Sunday. To sustain such faith, however, the holders must first overcome emotional and historical barriers by beating India on their own territory.

The quarter-final tie in Bangalore on Saturday was sold out inside three hours simply on the probability that it would pair the discordant neighbours. Since 1989, they have met only on neutral ground and the successful staging of this game, confirmed yesterday once Paki-

stan had beaten New Zealand by 46 runs, is to some degree the *raison d'être* of the competition.

If there is a regret among the millions who anticipate the spectacular setting of some protracted arguments, it is that their dream match cannot now decide the tournament. Only England, however, can prevent the final featuring one of the three host nations, for the Calcutta semi-final, next

## QUARTER-FINALS

March 9  
India v Pakistan, Bangalore  
Sri Lanka v England, Faisalabad  
March 11  
New Zealand v Australia, Madras  
South Africa v West Indies, Karachi

Wednesday, will pit the winners from Bangalore against either England or Sri Lanka, who meet in Faisalabad on Saturday.

The England bowlers could be pardoned serious trepidation about this game. Yesterday, on their own hillside ground in Kandy, the Sri Lankans made a world record one-day total of 398 against Kenya to finish their group games unbeaten. In the other half of the quarter-final draw, scheduled for Monday, South Africa will play West Indies in Karachi and Australia, the favourites, meet New Zealand in Madras.

New Zealand could have avoided this unenviable draw, and dashed the expectations of two nations by playing India instead, had they won yesterday. But it seldom looked likely. In a stadium that has undergone an expensive and decorative facelift, giving it an air of completeness seldom seen in these parts, Pakistan were always dictating, despite the worrying loss of their captain, Wasim Akram.

Wasim pulled a muscle in his side while batting and did not take the field for the New Zealand innings. It left Pakistan to muddle through with only three specialist bowlers but it was a precaution Wasim believed worth taking. "Our physio has begun work on the muscle already and he tells me I will be all right for the quarter-final," he said later.

His was not the only injury of the day. New Zealand, already missing Gavin



German, the New Zealand wicketkeeper, takes evasive action as Salim adds to his score in Lahore yesterday

Larsen, lost Danny Morrison with a recurrent groin strain after two expensive overs. Their bowling was exposed without his experience as Pakistan, launched by Aamir Sohail, who is batting as if he cannot contemplate getting out, scored freely on a bland pitch and a rapid outfield.

If Pakistan faltered in the middle overs, it was more because of their own suspect running than the opposition attack. Three men were run out, including Inzamam, not the nimblest when sent back,

and Javed Miandad, a victim of agile fielding by Chris Harris, the substitute, after being promoted once more in search of form.

Whether Pakistan can continue to accommodate an out-of-touch Javed in their top five is debatable. Salim Malik played quite beautifully to make 55 from 47 balls, sharing an unbroken sixth-wicket stand of 80 in nine overs with Wasim, and he is clearly too low at No 6. Javed's ego, and his demanding following, may now have to take second place

to the needs of the team. Aamir was nominally in charge when Pakistan bowled although, inevitably, it often looked as if there were at least three captains vying for supremacy. Waqar Younis, bearing a heavier burden without his new-ball partner, bowled with great speed and control, and the subtlety of Mustaq Ahmed stifled the middle of the innings.

Four of the New Zealanders passed 30 but none reached 50 and it is a sobering thought that they have suffered two

emphatic defeats since an encouraging opening win. Their opponents then, of course, were England.

Lara speaks out, page 42  
Scoreboards, page 42

## Judgment days for Illingworth draw near

BY SIMON WILDER

IT WILL not be long before Raymond Illingworth knows whether he is to be held responsible for the recent disappointing performances of the England cricket team. Members of the Test and County Cricket Board (TCCB) were informed at its spring meeting yesterday that they had until March 20, three days after the World Cup final, to nominate a new chairman of selectors.

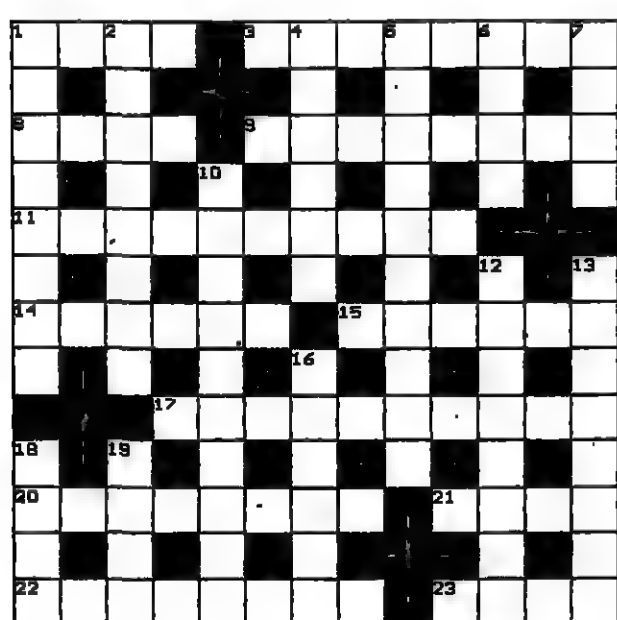
Illingworth, whose initial two-year appointment as chairman is nearing its end, will also know by March 26 whether he is to be retained as manager. On that date the board's executive committee will review his first year in the knowledge that he does not want to tour again.

TCCB members are chiefly unhappy at England's results and David Acland has been asked to assemble a working party to look at everything relating to the administration, selection and management of the England team.

Two significant changes were made to the county championship. This summer will see the introduction of three points for a draw and, from next year, 13 of the 20 rounds of matches will start on Wednesdays. One hope is that the prospect of Saturday finishes will encourage the production of better pitches. Leg-side fieldsmen will be limited to five in all domestic one-day competitions.

## TIMES TWO CROSSWORD

No 723 in association with  
BRITISH MIDLAND



## ACROSS

- 1 Take into mouth (eg by straw) (4)
- 3 Agra mausoleum (3,5)
- 8 Elderly (4)
- 9 Peaceful (8)
- 11 Sneak thief, eg Fagin (10)
- 14 Learner (6)
- 15 Two Gentlemen city (Shak.) (6)
- 17 Medieval plague (5,5)
- 20 (Office) without privacy (4-4)
- 21 Liquid measure; fish organ (4)
- 22 Cautious, timid (8)
- 23 Catcall (4)

## DOWN

- 1 Scene of serious action; bow (for lubbers) (5,3)
- 2 Using compulsion (8)
- 4 Second-largest continent (6)
- 5 Claudio —, early opera composer (10)
- 6 Time of day; period (4)
- 7 Temporary quiet (4)
- 10 (Book of) Revelation (10)
- 12 Sincere (4,4)
- 13 Unmarried man (8)
- 16 Illegible hand (6)
- 18 Hong Kong — (4)
- 19 A forest; James —, US film actor (4)

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Post your entry to Times Two Crossword, PO Box 6886, London E2 8SP to arrive by next Monday. The winners' names and solution will appear on Wednesday.

Name/Address .....

## SOLUTION TO NO 722

ACROSS: 4 Rub 8 Heave to 9 Loose 10 Adams 11 Nervous  
12 Travesty 14 Hilt 15 Vote 16 Reprisal 20 Vitriol 21 Visit  
23 Cedar 24 Cavern 25 Yak  
DOWN: 1 Thwart 2 Dada 3 Lessee 4 Round the clock 5 Blurt  
6 Polonius 7 Jet set 13 Aptitude 15 Vivace 17 Revive  
18 Latent 19 Fiery 22 Suno

## Charles appears set fair to claim final Olympic berth

Old rivals battle at

Bacardi Cup for right

to represent Britain,

Edward Gorman says

EIGHT years after first attempting to make the Olympic team, Glyn Charles is finally on the verge of doing it. Between him and a chance to compete in Savannah, in July, however, stands Lawrie Smith, his old rival, who will be doing all he can in Miami today and tomorrow to stop him.

The two will be battling it out at the Bacardi Cup on Biscayne Bay to clinch the tenth and last place in the team to represent Britain in the Star class at the Games. The qualifying series started at the Olympic Classes Regatta, also in Miami in January, from which Smith and his crew, Chris Mason, emerged with a 16-point lead.

Charles, showing good speed in strongest winds, has made a confident start this week, though, and beaten Smith in both the opening races to establish his own 13-point lead. He now needs to hang on for the last four races to keep out the notoriously consistent Smith.

If Charles and George Skoufodas, his crew, manage to pull it off, it will be a remarkable achievement and much against the odds. Whereas Smith has his own boat, a sail development programme and plenty of resources behind him, as befits a full-time professional, Charles is competing on a modest budget. He does not

even have a Star of his own and has had to charter one from an American to take part in the trials. If he fails to make the team, Charles, a former top Laser sailor and Admiral's Cup skipper, will almost certainly be looking for a job.

After losing to Smith in Soling qualifying in both 1988 and 1992, Charles was understandably reluctant yesterday to predict a successful outcome this time. However, it is

hard to ignore his consistency, having beaten Smith in six of the eight races they have sailed in the series so far. "It's going pretty well," he said as he prepared for racing at the Coral Reef Yacht Club. "We're not really streaking ahead — it could just as quickly turn around the other way."

Given his relative inexperience in a notoriously difficult boat, his fifth place overall in a typically distinguished Bacardi fleet looked impressive. "What we generally need is just more time in the boat," he said. "At the moment we are still almost piecing together our rig settings because we haven't even sailed in all the conditions yet in one of these."

The outcome is hard to predict, nonetheless, especially with the local forecast suggesting wind speeds may drop over the last two days' racing, which could work to Smith's advantage. The big danger for both men lies in the size of the Bacardi fleet with 83 boats. A couple of really bad results could wreck an apparently strong position.



Charles: in pursuit of goal set eight years ago

## IOC to use new test in Atlanta

FROM DAVID MILLER  
IN LAUSANNE

THE International Olympic Committee (IOC) executive board yesterday decided to adopt a revolutionary new testing procedure for testosterone, the banned drug, for the Olympic Games in Atlanta this summer. So effective is the system, there may be more than 100 positive tests.

The decision is causing widespread anxiety. While the executive board decided in favour of the procedure without taking a vote, there are many problems, not least the cost. Any national Olympic committee wishing to pre-test its team before departure, to avoid the indignity of sending competitors home from the Games, will be faced with a bill of £500 per competitor. The organisers must also fear the prospect of the Games being marred by controversy.

The new testing, using a procedure called spectrometry, has been proved effective. Using old and new systems at the world junior weightlifting championships in China last year, the old system produced a dozen positive tests, the new nearly 60.

Anita DeFrance, the former Olympic oarswoman and executive board member, said: "It is what's needed. If any competitor is worried about what tests might reveal, then they should stay away."

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# Vichy official talks of 'Jewish plot' in Auschwitz case

FROM BEN MACINTYRE IN PARIS

A COURT in Bordeaux yesterday began a three-day hearing to decide whether Maurice Papon, the last surviving senior official of the collaborationist Vichy regime, should stand trial for allegedly sending hundreds of French Jews to their deaths at the Auschwitz death camp.

M. Papon, now 85, denies committing crimes against humanity by collaborating with the Nazis, and in an interview published in *Liberation* newspaper yesterday he claimed that the charges against him were part of an international Jewish-American plot, backed by US money. "I know I have done nothing wrong," he insisted.

M. Papon, who was secretary-general of the Bordeaux administration during the Nazi occupation and went on to enjoy a dazzling postwar political career, is not attending this week's court hearing "because he does not want to be insulted by the plaintiffs," his lawyer said. But the appeal judges have agreed to hear testimony behind closed doors from 35 relatives of Bordeaux Jews allegedly rounded up and deported on M. Papon's orders.

The charges against M. Papon first surfaced in 1981, when he was Budget Minister, but it was not until late last year, after 14 years of delays and official obstruction, that

the Bordeaux public prosecutor formally accused the former Vichy official of ordering the deportation of 1,680 Jews between 1942 and 1944, including 223 children. Only a handful of the deportees survived.

At this week's hearing M. Papon's lawyer, Jean-Marc Varaut, will argue that the case should be dropped. M. Varaut claims his client was a civil servant merely obeying orders from above who did his best to improve the plight of the deportees, saved the lives of several Jews and was active in the Resistance.

The Bordeaux appeals court is expected to make a decision within the next two months on whether the former Cabinet

minister should stand trial, but M. Papon is expected to appeal to the Supreme Court if the verdict goes against him.

Many French historians welcome the prospect of a trial, arguing that this may be the last chance to assess the dubious role of the Vichy regime in the Nazis' "Final Solution". But others, including many within the political establishment, believe it will merely reopen old wounds.

"We will be asking the third generation after the war to understand the constraints of the Occupation," M. Varaut said.

The late François Mitterrand, himself a former Vichy official, acknowledged in 1994 that as President he had intervened to delay the trial of ageing Vichy bureaucrats in the interests of preserving "civil peace".

Arno Klarsfeld, the French Nazi-hunter and lawyer who is representing ten of the plaintiffs in the Papon case, claims that the accused was fully aware of the eventual fate of the Bordeaux Jews.

"No jury in the world could acquit him. He was a symbol of Vichy... There was no hatred. It was cold, calculated behaviour to further his career," M. Klarsfeld said.

About 76,000 Jews were arrested in France and sent to Nazi death camps between 1942 and 1944.



Papon: claims he was in the Resistance



Salman Raduyev, who led the Chechen hostage-takers in Dagestan in January, is reported to have been killed

## Chechens launch dawn raid on Grozny

FROM RICHARD BEESTON IN MOSCOW

CHECHEN rebel forces launched a surprise attack against Russian troops in Grozny, the Chechen capital, yesterday, seizing several areas of the shattered city after day-long street battles.

In what local people described as the worst fighting in Grozny since it was captured by Russian forces just over a year ago, dozens of separatists attacked the city from the south and west in a dawn raid. "The situation is

very serious," said Yunadi Usanov, Deputy Prime Minister of the Moscow-backed Chechen Government.

Witnesses said that three armoured personnel carriers were destroyed by rebel fire and that at least 16 soldiers were killed in one area alone. Several government officials were set and the rebels overran two police stations and set up a checkpoint less than a mile from Russian military headquarters.

The Russians, pinned down by intense sniper fire, called in artillery support and used helicopter gunships as they tried to regain control of four districts — Zavodskoy, Oktyabrskiy, Minutka and Trampark. One of the fiercest street battles erupted in the Minutka district, scene of some of the bloodiest exchanges during the two-month siege of the Chechen capital last year.

Chechen secessionist leader, broke into the Russian state television transmissions to claim responsibility for the attack.

The death was reported yesterday of Salman Raduyev, 28, the bearded Chechen guerrilla commander who led the bloody hostage operation into Dagestan in January. According to Interfax, he died of head wounds at a hospital in the rebel stronghold of Urus Martan.

## Starving Koreans 'ate flesh'

Washington: Food shortages in North Korea may have led to at least one case of cannibalism in the Communist state and a spate of rumours that several others may have taken place (Tom Rhodes writes).

American Intelligence claims the incidents occurred in a northeastern region. The *Washington Times* said that when he heard the cannibalism claims Kim Jong Il, the North Korean leader, demanded an inquiry. The UN estimates that millions of North Koreans are facing starvation after floods last year destroyed the rice crop.

## Papers name spy suspects

Washington: Documents released by the National Security Agency name scores of Americans who helped to betray US secrets to Moscow, including data on the atomic bomb. Decoded Soviet messages named, among others, "Ales" who the NSA said was "probably Alger Hiss", the former State Department official accused by Richard Nixon, then a congressman, of being a spy. (Reuters)

## Singapore row over Internet

Singapore: The opposition Singapore Democratic Party questioned moves to regulate political debate on the Internet after it emerged that web pages owned by political parties would have to register with the broadcasting authority. The Government says it would curb access to pornography and check abuses that could harm stability. (AFP)

## Klan is caught in cross-fire

Bill Albers, imperial wizard of the California Ku-Klux-Klan, is to be sued by air quality officials after celebrating his birthday by burning a petrol-soaked cross three storeys high (Nigel Hawkes writes). One official said: "If everybody burnt crosses, the results would be disastrous."

## Germany hit by recession as jobless total tops 4.3m

FROM ROGER BOYES IN BERLIN

THE number of unemployed in Germany has reached a postwar high of 4.3 million as an increasing number of indicators suggest that Europe's most powerful economy has slipped into a recession.

Dragging Germany down is the miserable state of the building industry, which accounts for 10 per cent of the economy and which is supposed to be its driving force.

As the labour exchange in the Mitte district of Berlin, Reinhold Moritz, a welder, did not show any enthusiasm yesterday for the debate about whether Germany was suffering from a recession or, as the Government claims, "a growth pause". He is a 27-year-old Saxon who moved to Berlin after unification, attracted by the building sites

scattered around the capital. Those were boom times. "Now we are in for a really hard time — I've got to decide whether to retrain as a municipal gardener," Gardening, however, pays a fraction of building work and is not much more secure.

Bernhard Jagoda, the chairman of Germany's federal employment agency, said it was still unclear whether the cold weather had caused the collapse in the construction sector or whether it was part of a structural crisis. The signs are, however, that this is not a seasonal hiccup.

The Association of German Construction Companies estimates that 20,000 firms will go bankrupt in the next three years. There are almost 1.3 million people employed by

building firms; about 200,000 lost their jobs last year and 100,000 have been dismissed this year.

The trend will continue: local authorities, under pressure to prune debts before the 1997 monetary union entrance examination, are putting all but the most urgent building projects on ice.

The trend masks some political dangers. Herr Moritz blames "the damned foreigners" for stealing his job: illegal workers from Russia, Ukraine and Central Asian republics who work for a pittance. Or European Union workers like the British, Irish and Portuguese who undercut the Germans because of lower social welfare costs. "We have got to get these people out of Germany," he says.



De Silguy: struck an optimistic note for 1997

## Brussels admits worries on EMU

FROM CHARLES BREMMER IN BRUSSELS

THE Brussels Commission issued its first acknowledgment yesterday that the economic slowdown in Europe was casting doubt on the prospects for launching monetary union on time in 1999.

Issuing a downbeat review of performance of the 15 member states, the Commission confirmed that the unexpected dip in Europe's big economies in the last quarter of last year had forced it to cut its forecast of EU growth this year to less than 2 per cent, compared with its prediction last November of 2.6 per cent. Thanks mainly to a crisis of confidence, the European economy may have stagnated in the last quarter, it said.

Although steady growth was expected to resume this year, there was a danger "that a self-reinforcing downward spiral in confidence" could intensify, it said. The Commission added that it was worried that social unrest may force governments to ease their effort to cut deficits. Under the Maastricht treaty rules such cuts will be needed for monetary union.

Public discussion of doubts about the monetary project has been taboo as Jacques Santer and his Commissioners have campaigned to maintain confidence in the EMU timetable. However, the economic slide, defined by the Commission as a "temporary pause", has made clear to everyone that France and Germany, which are fundamental to a single currency, will be hard-pressed to pass the Maastricht test, which is to be applied to next year's economic performance.

Yves-Thibault de Silguy, the Monetary Commissioner, struck an optimistic note yesterday, saying he was convinced that "a significant number" of countries would qualify next year. "The report shows a growth pause, not a recession," he said. All the signs pointed to a sharp pick-up by the end of this year, although he noted that in this regard Germany was an exception.

## Saudi group sacks dissident

BY MICHAEL BINYON  
DIPLOMATIC EDITOR

A DAY after winning a judicial recommendation that the Home Office reconsider its plans to deport him to Dominica, Muhammad al-Masari, the Saudi dissident, has been dismissed by the Islamic movement that he founded.

A spokesman for the Committee for the Defence of Legitimate Rights in London said that Dr Masari no longer represented the committee, which has campaigned against the Saudi Royal Fam-

ily and has set up an organisation in London to co-ordinate political agitation against the Saudi Government. The spokesman said he could not elaborate on the split as there were now mediation attempts going on between Dr Masari and the group.

The dissident physicist, who has infuriated the British Government, is seeking a judicial review of the decision by Michael Howard, the Home Secretary, to refuse him asylum in Britain without consideration of the substance of his application. Dr Masari, 49, a

German-educated professor, founded the committee with five other scholars in 1993, but it quickly fell foul of the Riyadh Government.

The members left Saudi Arabia and set up base in Britain in 1994. Dr Masari was arrested and imprisoned but escaped to Yemen from whence he made his way to Britain. The split in the movement may be linked to the dispute caused by the Government's attempt to deport him or Dr Masari's philosophy, which is more in tune with Western ideas of democracy.

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# Dole's key rivals refuse to give up nomination fight

FROM MARTIN FLETCHER IN WASHINGTON

STEVE FORBES and Pat Buchanan vowed to fight on yesterday, despite the apparent lock Robert Dole now has on the Republican presidential nomination after his resounding victory in Tuesday's eight primaries.

Mr Forbes, the publishing tycoon, triggered intense speculation that he was withdrawing by calling a noon press conference in New York. Instead he announced his surprise endorsement by Jack Kemp, a leading Republican who passionately supports his "flat tax" policy.

Mr Buchanan, the conservative commentator who ended Tuesday with six second places, acknowledged that Mr Dole's nomination seemed "inevitable", but he pledged to continue his populist insurgency until the Republican convention in August.

Mr Buchanan refused to promise to endorse Mr Dole eventually or to rule out

## REPUBLICAN DELEGATES ELECTED SO FAR

Dole	276
Forbes	89
Buchanan	81
Alexander	10
Strom	7
Keyes	1

Delegates needed for nomination: 906

There are 1,990 delegates to the August 12-15 convention in San Diego, California

Richard Lugar, the Indiana senator, both announced they were leaving the race after dismal performances on Tuesday. Mr Alexander spent roughly \$15 million (\$9.8 million) and more than two years on his campaign, but he finished higher than third place in only one primary.

The continuing campaigns of Mr Forbes and Mr Buchanan are certainly a nuisance for Mr Dole, who is dangerously close to his spending limit and badly needs to end an extraordinarily bitter, primary season. Mr Forbes is particularly irksome, although he too performed poorly on Tuesday. He has spent about \$30 million but seems willing to lavish further huge sums from his personal fortune on giant states such as New York, whose primary is today, and California on March 26.

Almost no one in Washington believes, however, that Mr Dole will be denied the nomi-



Robert Dole and his wife, Elizabeth, attending a rally in Washington after he seized a convincing lead in the race for the Republican Party nomination

nation. "It's over. I think he's the nominee," said Newt Gingrich, the House Speaker, and Mr Dole himself pointedly retrained his guns on President Clinton.

His aides suggested that the Second World War hero would seek to make "character" a major general election issue — a thinly-veiled reference to Mr Clinton's Vietnam draft evasion. Whitewater

problems and alleged sexual escapades.

Tuesday's clean sweep was an extraordinarily sweet moment for Mr Dole, who has three times sought his party's nomination. He nearly retired in 1990 when prostate cancer and George Bush's election appeared to dash his hopes of ever achieving America's top office. Only days ago he suffered humiliating defeats

in New Hampshire and Arizona, but his victory in last Saturday's crucial South Carolina primary turned the tide.

The closest of Tuesday's primaries was in Georgia, where Mr Dole beat Mr Buchanan by 11 points. In Colorado, Massachusetts, Vermont and Maine he won by more than 20 points. In Maryland and Connecticut by more than 30 and in Rhode

Island by 47. He has more than a quarter of the 996 delegates he needs to win.

The size of Mr Dole's victories disguised the underlying weakness of his candidacy, however, and many Republicans fear he will be no match for Mr Clinton. He is a poor campaigner who lacks a compelling vision or capacity to inspire. Republican rivals managed to catch or overtake

him in almost every primary or caucus where they had time to make their cases, but when it came to fighting eight contests simultaneously their resources proved no match for a man who had virtually the entire Republican establishment working for him.

Mr Dole now has the uphill task of reuniting a bitterly divided party in time for the November election.

## Capitol Hill barons pay homage to victorious leader

BY MARTIN FLETCHER

THE Republican establishment had finally crushed Pat Buchanan's "peasants' revolt" and on Tuesday night it let rip. Senators, congressmen and countless party functionaries — the very "knights and barons" of Washington that Mr Buchanan once mocked — swarmed down from Capitol Hill for Robert Dole's victory party in a neighbouring Holiday Inn.

They came in their hundreds, packing into a low-ceilinged basement ballroom and sweltering beneath banks of television arc-lights as they waited two hours for their party's elder statesman to arrive.

They argued about likely running mates. They waved their flags and banners. They chanted "Dole '96" and "President Dole". They then erupted in a mighty roar as the "next President of the United States" was finally announced and an elated Mr Dole strode on to the stage, punching the air, flashing thumbs-up signs and jiggling to the rhythm of James

Brown's *Soul Man*. "I know they call this 'Junior Tuesday', but it seems pretty super to us," Mr Dole declared as his wife, Elizabeth, stood beaming at his side.

"Tonight we've proven the pundits wrong. Tonight we've proven the Republican Party is not spinning apart but coming together. We've found a leader to bring the Republican Party together," President Clinton had vetoed one Republican reform after another, but "in November 1996 we're going to veto Bill Clinton", he proclaimed to cheers.

To those reporters who had spent the past few weeks trailing this lacklustre candidate around the country, the evening was a revelation. It was practically the first time Mr Dole had managed to get a hall to overflowing. It was the first time he had generated any "real excitement" in an audience.

Whether its man is capable of sparking a similar excitement across America is a question the party establishment must now live with.

## Fizz goes flat in cola campaign

BY DES HOUGHTON

TO PEPSI COLA it sounded like a great idea at the time: put lucky numbers inside bottle caps, offer generous cash prizes then sit back and watch sales soar. But it all went horribly wrong.

The competition has resulted in riots in the Philippines, millions in compensation payments and a costly four-year legal battle in which Pepsi executives faced jail.

The case, which was delayed by the Supreme Court yesterday, arose from a Pepsi promotional campaign in the Philippines in May 1992 in which the soft drinks giant promised to give up to one million pesos (£25,000) to holders of bottle caps imprinted with a three-digit number. Due to a computer error, however, at least 600,000 caps were printed with the winning number — 349. Thousands of winners mobbed Pepsi warehouses to collect payment. When Pepsi refused to pay, irate winners rioted.

As a "goodwill gesture," Pepsi agreed to pay 500 pesos to each 349 cap holder — about half a million people — spending about \$6.5 million.

The winners filed criminal fraud and swindling charges against Pepsi. Yesterday the Philippine Supreme Court stopped a lower court from ordering the arrest of ten former and present executives of Pepsi's distribution firm.



## Pakistan prepares bomb test

FROM TOM RHODES IN WASHINGTON

AMERICAN intelligence satellites have picked up evidence that Pakistan plans to conduct its first underground nuclear explosion in a mountainous region near the border with Afghanistan.

Photographs from southwestern Baluchistan show Pakistani engineers close to completing the excavation of a mountain where American officials believe such a blast could be possible. But few in Washington see any experiment taking place unless India decides to move forward its own test plans. Pakistan's preparations were viewed yesterday as a strong signal to Delhi that the Government in Islamabad stands ready to match any threat.

Last year it was reported that India was excavating a shaft at its nuclear site in the Rajasthan desert, raising the prospect of the country's first nuclear test since 1974.

The Clinton Administration has warned both countries that any nuclear explosions would force America to block economic and military aid, vote against international bank loans and reject key export licences.

The photographs are likely to increase concern over tensions between India and Pakistan over the disputed territory of Kashmir, which could bring South Asia to the brink of nuclear conflict.

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'From Stettin in the Baltic to Trieste in the Adriatic, an iron curtain has descended across the Continent. Behind that line lie all the capitals of Central and Eastern Europe'

## Fulton to welcome another Cold Warrior

FROM QUENTIN LETTS  
IN FULTON, MISSOURI

ANGLOPHILIA has returned, big time, to the small Midwestern town where Sir Winston Churchill declared the start of the Cold War. The 10,000 residents of Fulton, Missouri, are preparing for a visit on Saturday from Baroness Thatcher who will mark the fifth anniversary of Churchill's growing, lyrical pronouncement.

Lady Thatcher's oration — she promises a steamer — will top a week of Brit-busting under the vast, storm-swept skies of this central swath of the American continent. There have been train rides, symposiums, dinners, motorcades and shop window-dressing contests. Along Fulton's Court Street, with its Carson City architecture and gas guzzler-size parking slots, the haberdasher's and the drug store are vying for first prize. The usual displays of parlour essentials and analgesic ointments have been replaced by Churchill Toby mugs. Union Jacks and "Welcome Margaret Thatcher" pennants. "Wonderful woman," folk say in the street. "Wonderful country."

She may no longer be Prime Minister, but neither was Churchill when on March 5, 1946, he chose Fulton as the vantage point for his observation that "from Stettin in the Baltic to Trieste in the Adriatic, an iron curtain has descended". In a region deemed isolationist, he clinched Anglo-American resolve, and initial complaints that he was warring mongering ceded to the real-



Thatcher speaking in Provo, Utah, on Tuesday

isation of his foresight. The Fulton speech was arguably the moment when Britain passed the baton of Western leadership to the United States, the moment that forged the relationship which, for 47 of those 50 years at least, we were able to call special.

Fulton is an unusual place, as you can tell from the approach road off Interstate 70. The "skylines" of Midwest towns usually feature a large, painted water tower. Fulton has one, too, but to its right stands the outline of something less routine — a Wren church made of Portland limestone.

It is St Mary's, Aldermanbury, destroyed by Nazi bombers during the Blitz and

transported to Missouri in the 1960s to be rebuilt, brick by smoke-blackened brick.

Can Lady Thatcher do the same repair job for Anglo-American political ties, the alliance urged so powerfully by Churchill? The feeling down at Mom's Restaurant on Fifth Street, Fulton, was positive. Every day at 10am a dozen or so of Fulton's opinion formers gather at Mom's for a coffee and a talk. Tuesday morning found the old-timers calling one another "Junior" and staring through the two corner windows at the rain or the occasional pair of female heels. As the men sipped hot, home-ground coffee they brewed over the imminent descent of another British leader on their small community. "God bless her, she's a Tory!" said Stewart Keckley, 55, a Republican-voting former accountant who takes a ribbing from his mostly Democrat bunch of friends.

Walter Oestreich, manager of an electrical co-operative, announced happily that he had a ticket for Saturday's philippic and that as an admirer of the baroness he was confident of a great day.

Warren Holtrah, a staff member at Fulton's extensive Churchill Museum, offered the opinion that "there is a real feeling in this part of the world of an Anglo-American relationship, of common ties and political bonds". Lady Thatcher is strongly pro-American and might seek to strengthen those bonds with an elaborate compliment. Compliments are cheap, and from such a source would be appreciated, but the specu-

tion in Fulton was that she could better assist London-Washington ties by following Churchill's example and describing the threats we face after the Iron Curtain.

Advanced details of her speech have not been disclosed, but speculation is that she will talk about the Russian election, about the Balkans, or possibly about the lurking, seldom mentioned threat of Communist China.

Whatever modern dangers Lady Thatcher describes on Saturday — or "gaunt marauders" as Churchill put it in 1946 — this week in Fulton has been a time for memories. Nancy Lou West's gift shop window has a photograph of a five-year-old Nancy at the Churchill parade. She will be there again on Saturday, this time with one of her grandchildren.

At Westminster College, a Presbyterian foundation, they pay attention to history, so the convivial Sir Denis Thatcher should have nothing to dread when he arrives with his wife. In 1946, shortly before Churchill arrived, the abstemious university elders realised that the old boy would doubtless want a drink. One of their number was sent to the liquor store to buy a bottle of whisky.

After a depressingly dry lunch, Churchill retired to a bedroom to rest before his speech. The college elders chose this time to send a maid upstairs with the whisky. Her knock at the door was reputedly met with a lightning-quick grasp for the tray and the grunted words: "Thank goodness, I was beginning to fear I was in the Sahara."

## FULTON DAILY SUN-GAZETTE CHURCHILL WARNS OF RED BID FOR POWER



A statue of Churchill holds a place of honour before St Mary's church in Fulton

## Wailing as New York buries shot deli king

BY QUENTIN LETTS

WAILING mourners and a flag-covered coffin gave an Old World flavour to a funeral held in central New York after the killing of one of the city's best-known Jewish deli owners. Amid the high passions, the rabbi conducting the funeral collapsed with a heart attack.

The murdered delicatessen proprietor, Abe Lebewohl, ran the Second Avenue Deli, a clattering, chattering establishment whose boiled beef flanken, strudel and "kugel" noodle pudding secured it a place on many gastronomic itineraries.

It attracted an ecumenical array of star customers, from Muhammad Ali to Bob Hope, Joan Rivers to Ed Koch, the former Mayor, and baseball's Joe DiMaggio. Tourist guides listed it as the place for the classic New York kosher bite.

On Monday Mr Lebewohl, a 64-year-old survivor of Nazi concentration camps, was shot dead by a robber as he was trying to bank the weekend's takings. The thief's haul was no more than \$10,000 (£6,500). Mr Lebewohl's death ripped the soul out of New York's large and powerful Jewish community, and the outpouring of emotion was extraordinary. People grieved for the demise of Yiddish Broadway and Knish Alley, as the quarter near the deli used to be known. The New York Times devoted more than a page to the death of this purveyor of pastrami sandwiches and chopped liver.

William Bratton, the police commissioner, and several of his best men attended the funeral and traffic stopped as the casket was borne to the synagogue. Sixth Street was clogged by a long line of black hats and anguished faces who jostled and shuffled behind the coffin swathed in the Star of David.

The Second Avenue Deli, which Mr Lebewohl transformed from a ten-seater diner into a 250-seater success story, faces an uncertain future. One of New York's leading lawyers, Raoul Felder, and the Jewish comedian Jackie Mason have offered a \$10,000 reward for information leading to the arrest of Mr Lebewohl's killer.

## Lawyer faces jail over drug case

FROM GILES WHITTELL  
IN LOS ANGELES

F. LEE BAILEY, the doyen of American criminal defence lawyers, was locked in a war of nerves yesterday with a federal judge determined to jail him for contempt of court.

Mr Bailey had until 5pm yesterday to surrender to authorities in Florida and begin a six-month term for failing to

hand over \$28 million (£18.4 million) in cash and shares entrusted to him by a client convicted of drug trafficking.

Mr Bailey was ordered by Judge Maurice Perl to make a down-payment of \$2.5 million. He has already paid more than \$700,000 and has pledged the rest of his \$4.5 million in personal assets to the US Government.

For all his eagerness to co-

operate, however, Mr Bailey is fighting to keep control of a huge investment in a Canadian firm, Biochem Pharma, transferred to him by the client, Claude Duboc.

Mr Bailey claims the shares, worth \$25 million, along with \$3 million in cash in a Swiss bank account, were his fee. The Government regards it as drug money and is seeking to confiscate them.

## US struck cartel deal to convict Noriega

FROM DAVID ADAMS  
IN MIAMI

LAWYERS for General Manuel Noriega, the jailed former Panamanian dictator, have disclosed new evidence that the US Justice Department did a secret deal with Colombia's Cali drugs cartel to obtain key evidence that helped to convict the general on drug trafficking charges in 1992.

Hoping for a new trial, Noriega's

lawyers say the witness, Ricardo Bilonick, a self-confessed Panamanian drug trafficker and former diplomat, was paid \$1.25 million (£820,000) by the cartel. Embarrassed prosecutors admit there was a deal, but insist that the United States approved no payments to him.

Although it is unlikely that Judge William Hoever, who sentenced Noriega to 40 years in jail, will overturn the conviction, a hearing in Miami this week has cast doubt on the fairness of

Noriega's trial. On Monday, two former senior members of the Cali cartel described how the cartel offered to provide a "dynamite witness" — Señor Bilonick — in the Noriega case. In return, the Government agreed to get a reduction in the sentence of a relative of a cartel boss jailed in Miami.

□ Bogotá: José Santacruz Londoño, 53, a leading member of the Cali cartel, was shot dead in Medellín on Tuesday, two months after he escaped from jail. (AP)

**THE SUNDAY TIMES**

**FAMILY LIFE IN THE FARCE LANE**

*"My father's extremely selfish, but also genuinely caring and concerned"*

— Jamie Rix on Brian Rix, the former farceur and now chairman of Mencap

*"Jamie had the grace to arrive on a Sunday, my day off"*

— Lord Rix and his son compare notes in Relative Values, in the Magazine on Sunday

**MIMI'S GREEK TRAGEDY**

How a blonde air hostess nearly conquered Greece — Russell Miller, in the Magazine, on the rise and fall of Mimi Papandreou

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How to cure bedwetting, a cause of bullying

## Playground pariahs

RECENT PRESS reports have shown that it is impossible to understate either the extent or the misery caused by school bullying, and, as recent cases have shown, parents can remain unaware of it. Children need their parents to think well of them and being bullied by contemporaries, however unjustified, is not the badge of social success a child wants to display at home. Parents are invariably hurt by this lack of confidence, whereas it only shows the child cares for his or her parents' regard.

Although the reason for the bullying is often obscure, some children are obvious candidates. One of the worst cases I have seen recently was that of a sensitive, intellectual, middle-class English boy who was sent to school in a working-class area of Scotland. This clash of cultures left the schoolboy as happy as a mouse sharing a kennel with a pack of terriers.

One cause of bullying is bedwetting, or enuresis. Bedwetters, even if they are dry by day, always carry the whiff of urine which makes them obvious playground victims.

Dr Jonathan Evans, a consultant paediatric nephrologist at Nottingham General Hospital, recently reviewed the treatment of enuresis in *General Practitioner*. Enuresis affects 500,000 children in Britain of school age, and in the days of National Service affected those even aged 18, being the most frequent cause for rejection from military service on medical grounds.



MEDICAL BRIEFING

Dr Thomas Stuttford

Bedwetting is costly to the family both in terms of cash, which is estimated to add £9 to £14 to the weekly budget, and in terms of the relationship between parents and child.

When doctors first see a bedwetter they will make certain that there is no physical cause for poor bladder control, or any emotional worry.

It is often found that a bedwetter's mother or father was also enuretic when young. But this doesn't necessarily make parents more sympathetic. Nobody wants to see their less socially acceptable habits reproduced, and enuresis is a common reason for violence in the home.

About 75 per cent of children are dry at night by the age of three, and by five 80 to 90 per cent have bladder control. The mainstay of treatment is a combination of a dry-bed training regime coupled with an enuretic alarm. However, alarms only become effective when the child is mature enough to understand their rationale — usually about seven. Prescribing an alarm at the right time is effective in 70 per cent of cases.

Drug therapy can be recommended for holidays, or used for a short time in conjunction with the alarm. Although drugs nearly always give relief, patients usually relapse after they are stopped. Desmopressin, or Desmopressin, the trade names for desmopressin, have recently become the drug of first choice, rather than imipramine, which is a tricyclic antidepressant.

### Outsize ears and longevity

IF YOU are blessed with big ears, will you live longer? Abnormalities of the external ears are associated with a wide variety of congenital syndromes, and your ears may even have been surreptitiously inspected by your doctor as part of the assessment of your heart. For some reason patients who develop a diagonal crease across the earlobe as they grow older are more likely to suffer from coronary heart disease.

A suggestion in the *British Medical Journal* last December that large ears were more common in very old people raised the question of whether those with big ears live longer, or whether ears grew in the very elderly.

There seems no doubt that there is some association between old age and large ears. The statistics carefully recorded by Chinese and Japanese doctors stand up to scrutiny, but the essential question of which factor is cause and which effect is unanswered.

The Chinese believe that people with large ears live longer, and those with thick earlobes accumulate wealth. The Prince of Wales may reign over us for many years.

### Can food trigger tension headaches?

ONE OF THE maxims known to migraine sufferers is that almost anything which induces a headache in an unaffected person can bring about migraine in a patient. Is the converse true? Can foods which trigger migraine or cluster headaches cause a tension headache, or make it worse?

To test this possibility, Dr R.C. Peart, a neurologist, questioned 577 consecutive patients at a migraine clinic about their diet. His findings were recently published in the magazine *Headache*. Among the patients, 439 had migraine, 29 had cluster headaches, 40 had tension headaches and 46 suffered from symptoms suggestive of both tension headaches and migraine.

The migraine patients were often sensitive to alcohol — 40 per cent were affected by beer and red wine, 18 per cent couldn't tolerate any at all — and 16 per cent were sensitive to cheese and chocolate. Nearly half the patients with cluster headaches had them induced by alcohol. The good news is that, except in one case, neither alcohol, cheese nor chocolate had a negative influence on patients with tension headaches.



Jodie Hanan: "It's not so much the affair but all the lies he told, and the kind of person he's become. He refuses to accept responsibility for it"

## Adulterer's daughter

Jodie Hanan's faith in her father was destroyed by his affair with a close family friend. She tells Kathryn Knight of her feelings of hurt, anger and betrayal

Jodie Hanan thought her parents' 23-year marriage was unshakable, but on a dull afternoon 18 months ago, her father told her he had been having an affair for two years with a family friend. Five weeks later, her mother Gabrielle asked him to leave and Jodie, a 22-year-old student, has not seen him since.

She now lives with Gabrielle and brothers, Daniel, 19, and Christopher, 15, at the family home in Edinburgh, and has changed her surname to her mother's maiden name. Here she describes her feelings of betrayal, hurt and anger at her father's infidelity.

"My father told my mother that he was having an affair in August 1994, but she decided not to say anything to us all. I remember the atmosphere in the house was really strange — I could tell something was

wrong. I thought that one of them might have cancer and that they couldn't bring themselves to tell us. They kept having whispered conversations and going out for walks — they never used to do that. Looking back, they were obviously trying to talk things through.

"I found out two months later. I had been staying with my boyfriend but when I walked back into the house I knew immediately that something was wrong. The whole family was in the kitchen — they were usually out and about on a Sunday. I thought one of my cats had died. Then Daniel said: 'It's okay, it's not the cats, but Dad's got something to tell you.'

"He told me he had been having an affair with a woman who was a friend of the family, known to us all. Mum didn't actually like her that much but she used to come round for tea and she lived locally.

"It was awful. I remember I was carrying a newspaper and I started hitting him over the head with it, screaming. It was a nightmare. My younger brother locked himself in the bathroom and wouldn't come out. My boyfriend phoned to see if I had got home safely. I remember gasping to him: 'My dad's having an affair. I'll talk to you later' and slam-

ming the phone down. Mum said later she had been going through all the same horrific reactions as the first time she was told.

"It was all thrown at us in the next couple of hours. Dad talking and trying to explain and us asking why, why. His reasons were the old clichés — he said he had felt over the past couple of years that Mum hadn't given him enough time.

She'd started a college course, and her mother had died. She had been very heavily. Dad said he felt that he couldn't get through to her, and what with bringing up three children, his work as a teacher and her course, he felt he wasn't getting any attention. These were his reasons, but I

call them pathetic excuses. "It was definitely worse than his mistress was known to us all. For both of them to pretend to be our friends was a real betrayal. She was married too, and on a couple of occasions they all went out together. I felt Mum had been humiliated.

Christopher was especially angry because he had played tennis with her daughter.

"Dad left that night, but he came back a couple of days later. We were watching *East-Enders* — it's funny the things you remember. They tried to carry on as before but it was impossible — this woman always seemed to be around, in the shops, or driving past the house. She even phoned up for Dad a couple of times.

"I don't think Dad knew what he wanted. I think he probably wanted it all, to be able to see her and then come round for tea with us.

"Mum asked him to leave on Boxing Day, 1994. I haven't seen him since. The next few months were horrific. We would find things of the other woman's around the house that she'd lent to him. It was all very raw. Certain things made me sick — the fact that he'd been with her and then climbed into bed with my mum. I was so angry at first that I trashed his car a couple of times. I even telephoned her children to tell them what I thought of their mother. I needed to get it out of my system. "It seemed Dad blamed everybody but himself. He

even mentioned at one point that the fact that Mum and I were so close was another reason for the marriage going wrong. He refuses to accept that the guilt starts with him.

"It's not so much the affair but all the lies he told, and the kind of person he's become. He did this utterly selfish thing and then refuses to accept responsibility for it. It's as though he's still in the same body but there's a different person inside his head, with different values.

I don't know if I can forgive him. I go through phases of thinking how awful and tragic all this is and then I remember the hurt. Friends say to me, 'he's your dad, look at all the things he did for you,' and I think, well sure, he read me bedtime stories but it doesn't excuse what he's done. It's one of the most selfish things you could ever do.

"I try not to think of her. Most of the time I'm indifferent, but also angry and bitter.

"We were the typical happy family, three kids, two cats and a dog. I feel sorrow, real sorrow that my dad did this and thought it would all work out. My only contact with him now is the money he pays into my account every month. He phones Mum occasionally and I just say 'Mum, it's for you'.

● *Mistresses starts tonight on BBC1 at 10pm.*



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### Milking herbal power

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A native of Kashmir, its active ingredient is silymarin, a collection of three protective chemicals found in seeds, fruits and leaves. Originally used by nursing mothers to encourage milk production, it has also been found to protect the liver, hence its popularity as a hangover cure.

Solgar, the vitamins manufacturer, cites more than 30 research papers on the herb's medicinal merits. Silymarin is thought to work by inhibiting the factors which damage the liver. It can neutralise the effect of free radicals, and also inhibit the production of leukotrienes, another source of liver damage.

According to Stephen Terras, Solgar's technical director, milk thistle boosts glutathione which deals with the chemicals produced by alcohol. "Although we are not legally allowed to recommend herbal preparations, because they are not licensed drugs, I have heard that milk thistle is an excellent hangover cure," he says. "It makes sense given the way silymarin works."

ANJANA AHUJA

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# Ageing and chocolate

**Leslie Kenton, guru of the healthy diet, tells Mary Riddell her recipe for staying young through the menopause**

HER AGENT HAD suggested dinner, but I thought on balance not. It was less the thought of grazing through Charolais-sized portions of freshly-garnered foliage with Leslie Kenton than the practical problems this scheme presented.

Where might one find an establishment serving up the just-picked leaves recommended by the great guru of healthy diet and ageless ageing? Quite frankly, at 7pm on a winter day in the inner city, you would, in nutritional terms, be better off chewing the tablecloth. So, no tired old cardboard veg for us. Instead, a pilgrimage to Ms Kenton's tranquil basement pied-à-terre, where previous casual callers had confessed, rather startlingly, to falling under

'People have the wrong impression of me. I like red wine. I love organic coffee, but not every day'

her spell. Several had returned for more doses of spirituality laced with practical advice on how to debag one's eyes.

One had felt moved to sit under a tree on the way home and meditate on what she had learnt, which, as anyone in dog-ridden north London knows, is not the action of someone in her right mind.

I had expected a serene vision wearing pressed white linen but was greeted instead by a solidly-built woman in a black polyester roll-neck and her skirt inadvertently tucked into her knickers. So far, so normal. We began with a glass of chilled mineral water and a long discussion of the menopause, subject of Ms Kenton's latest best-seller.

Actually, it was not so much a discussion as a monologue, in which I made occasional goldfish mouth movements until warned not to interrupt. "Could I just say one other thing, Mary?" she said sweetly (she insists on instant first-name terms), before rattling on for another ten minutes.

In her chosen field — a sort of super-fertilised literary pasture devoted to endless tracts on healthy eating, rejuvenation and exercise — Ms Kenton reigns supreme. A former beauty editor for *Harpers & Queen*, she is 54 and retains, so it is said, the looks and Californian blonde mane of a woman 20 years younger.

Early forties might be more accurate, but let us not quibble, particularly since Ms Kenton — the mother of four children by four different fathers — has recently, and in a rather neat tribute to her grasp on eternal youth, taken up with Danny, a garage-owner aged 23.

Not that he should be regarded as a trophy for, as she knew from the moment she went in to get her temperature gauge fixed, here was the love



Leslie Kenton: "I said I would only look after my youngest son until he was four. But now it is an honour to be his guardian"

of her life. Even though he offered her a cup of instant coffee (scarcely better than a hemlock chalice in the Kenton list of what-not-to-drink), she was smitten and remains so.

"It was one of those things that was so inevitable. The moment he touched me, I was gone. It was like being touched by an animal." Pardon? "He had the simplicity of a child or an animal. The feeling was terrifying — so strong, a power of nature. And we're best friends as well. We'd be that even if there was no sexual connection. What do you do if the sea crashes over you?"

"It's lovely. I figure that I must have done something right in one of those previous lives. I've only ever had one other relationship like that — with my youngest son. When he was born, his father and all my other children delivered him, but I said I would look after him only until he was four. After that his father could do it. But now I can't speak about our relationship without tears coming into my eyes. I feel it an honour to be his guardian for this time. And Danny is like that."

You wonder how much they may eventually have in common, the streetwise author and the self-educated Land Rover dealer who is younger than two of her sons, but she brushes such quibbles aside. "Whatever you do is exciting. You go for a walk and it's exciting. You make a salad

and it's amazing. You go to the cinema and it's just fabulous." All this (apart from the bit where the tears come into her eyes) is interspersed with a laugh like a camel's kick, and it is by now just possible that those cynical burger-eaters and coke-swillers among us are thinking uncharitable thoughts, such as: is this woman batty, or what? But that is to misunderstand.

The truth is that there is much in her work which goes beyond the superficial. She is right carefully to question the wisdom of the indiscriminate use of oestrogen-based HRT for menopausal women. (Her central argument, a persuasive one, is that oestrogen is

linked to cancers and osteoporosis, and that natural progesterone is a more beneficial alternative.) She is, moreover, the living proof that eschewing the Mars Bar for the wild yam gets results.

Plus, she is brimming with unsolicited but good advice. She told me where to buy chocolate, where to find a decent supermarket (The one I go to, Mary, is a lot better than the one you go to), and how not to look into the bathroom mirror and see Dracula's grandma staring back. "If the body is toxic, it ages rapidly and the skin looks terrible. You know this yourself."

If you've drunk cham-

pagne, you wake up in the morning looking puffy. You detoxify the body, and you see this wonderful process of rejuvenation. Anyone can do it."

And does she never indulge herself? "Oh yes, absolutely. I drink champagne," she said, sensing a note of criticism.

"You have the wrong impression of me. I like red wine. I love organic coffee, adore it, although I don't drink it every day. Danny made me a wonderful cappuccino last Sunday, but I hadn't had one for eight weeks before that."

After that confession of excess, it was uphill all the way. She told me how much she liked chocolate and how she, the visiting Californian, had

once drunk so much malt whisky in some Scottish town ("I think it was called O-barn") that her children referred ever after to her temporary aberration as "mummy's little problem". We had just got on to beluga caviar when the telephone rang.

On the line was a hairdresser friend, asking for a soul retrieval, and if there is one thing Ms Kenton loves more than caviar, it is shamanic healing. "People tend to lose a portion of their soul, so the shamanic practitioner goes into non-ordinary reality to ask if there are any parts of someone's life essence which would be willing to come back."

Non-ordinary reality encompasses rather well an evening with Ms Kenton. The candles, the incense, the spiritual journey, the discussion of the nature of human freedom, the wondering how soon one can discreetly disappear for a Silk Cut and a glass of wine...

But it does not do to mock, for there is much in Ms Kenton which is admirable. Besides her overwhelming friendliness there is also the fact that, underlying the saccharine and the eccentricity, is an extremely gritty business-woman.

Her books — five more are due out next year — have captivated a generation of women, besides paying for the upbringing of Ms Kenton's

'I don't have any desire for a man I don't respect. He wouldn't do what he said he was going to'

children, whom she adores, and for a splendid home, once owned by Virginia Woolf, on the Pembroke Road coast.

Her cosmetics range made her so much money that she was able to take four years out to write her first novel. Her success gave her the freedom to remove, slightly clinically and at the moment of her choosing, a procession of husbands and lovers from her life.

One, a reformed drinker and a gloomy man, had to go once she realised, halfway through a yoga course in Greece, that it wasn't working. Another, a black revolutionary called Rex, lost his sparkle after she discovered that — although he talked a good revolution — it was generally from the comfort of her kitchen.

"I don't have any desire for a man I don't respect. He wouldn't do what he said he was going to. If you tell me you really want to go to Africa and live with rhinoceroses, I'll say, 'Fine, go and do it, Mary. Right now.'"

I considered this scheme. It certainly had its attractions. ● *Passage to Power: Natural Menopause Revolution* is published by Vermilion, £9.99.

## Itching for the past

**Valerie Grove meets Simon Schama, winner of the £10,000 WH Smith Literary Award**

Of all the books to win the W.H. Smith Literary Award, the historian Simon Schama's sumptuous *Landscape and Memory* is the weightiest typically, he even supervised the design of his book, down to the creamy 1950s paper that makes it weigh 4lb (paperback 3lb).

What distinguishes Professor Schama is what John Carey, one of the judges, calls "the knack of making the greyest eminence bloom with life". He seems to have been born with a fascination for commonplace things and a recognition that the past is everywhere before us. In his childhood near Southend, he imagined tea-cuppers ballooning up the Thames; when they moved near Hampstead Heath, he could envisage the sand-diggers of Constable's day, turning the arcadian health into a quarry.

Schama's father, Arthur, one of 13 children, was "a Jewish East End textile merchant with the views of Cicero, a 1930s Demosthenes, a street orator who took to the soapbox against Mosley's Blackshirt marchers". He was also an omniscient fount of London knowledge, who believed that "no one could know real happiness who had not gorged on a plate of crisply fried whitebait".

"My father missed his vocation. He should have been an impresario. He took me to the Old Vic to see Richard Burton and John Neville's alternating Iago and Othello. Burton, improbably, was the better Iago. When I was seven he made me learn 'Once more unto the breach, dear friends' for the school concert, and sat in the audience pink with pride."

Schama, 51, sings the praises of Haberdashers' Aske's School, in whose grim Victorian building in Cricklewood he was brilliantly taught. He was a reading-obsessed, scholarly boy, though poor at Latin and appalling at physics. "The physics teacher had eyes of different colours, which changed like traffic lights." Such was his relish for history that he trawled the Lyceum library before writing an essay on French newspapers of 1848 "and at 16 that didn't seem a chore".

He left the Cambridge don's life for Harvard in 1979 and is much quoted for his story of a Harvard jock who, asked about Italy's role in the First and Second World Wars, said: "You mean there were two?" Now at Columbia, he says: "After 15 years of teaching in

America I've ceased to be shocked. I've screened out my wistfulness for the lack of intellectual curiosity, the itch to get close to the past, beyond textbook platitudes. But there are still students hungry for knowledge, curious and eager. Of those who come to my lectures on the Baroque, at least a third are over 60. They come to Columbia on a general education course: something I've always felt universities should do."

His wife, whom he met at Cambridge, is professor of



Schama: spellbinding

genetics: they live high on a hill above the Hudson River, with space and woodland for the children, Chloe and Gabriel.

Schama's monumental erudition is reflected in the size and scope of his works, such as *Citizens*, on the French Revolution; but some of us have a special fondness for *Dead Certainties*, his imaginative weaving of the deaths of General Wolfe, and a Harvard professor named Parkman; this irritated traditional historians but was utterly spellbinding.

His curiosity is so broad, it is no surprise to learn that after his next book, on the genius of Rembrandt, he plans a history of 19th-century Hawaii. "It's an extraordinarily bewitching place, and an incredible story of the collision of cultures between the Western and the non-European worlds. In the 1850s, when the men lost their immunity to Western diseases, the women of the Hawaiian royal line survived by marrying Scottish customs inspectors."

While in London this week to collect his £10,000 prize he made his first visit to the House of Lords to lunch with his old friend Baroness Hayman, once Helene Middelweck, star of Cambridge Union debates. When he returns to Cambridge to lecture, he finds his old tutors in his audience; and no matter how honoured he has become, he still has a nagging feeling that he is late with his essay, and can hear the words "Oh dear, Schama gets a B again."

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Plenty of big wins, but short on wit  
Restoration brings  
17th-century  
spectacle to the  
silver screen  
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# British red tape: pride of Brussels

Euro-lunacy often begins at home, says Magnus Linklater

Some time ago, I had what I thought a brilliant idea. A team of newspaper reporters should be dispatched to track down every single instance where European bureaucracy had intruded on the British way of life; they should then identify and confront the official responsible for it. At a stroke, I thought, we could demonstrate how much our cherished traditions had suffered from the dead hand of EU regulations, and at the same time explore the motives of the perpetrator.

The reporters — well, two of them actually, since this took place on a cannyly run Scottish newspaper — began investigating cases such as the Arbroath Smokies which could no longer be made in oak barrels because Brussels said they were unsanitary; the island garage-owner put out of business because Euro-regulations said his petrol could no longer be shipped over on the passenger ferry; the country restaurant-owner who had had to fit hugely expensive burglar-alarm and fire-escapes, making the business unviable; the traditional cheese-maker whose product was held by Euro-officials to be riddled with life-threatening bacilli.

Alas, the story failed to "stand up", as we say in the trade. The reporters discovered that in each case the culprit was not some faceless EU bureaucrat, but a faceless British bureaucrat. The legislation was found to have emanated mainly from Whitehall, and the decisions had most commonly been made by the environment department of some local authority. Where European legislation was involved, it had been interpreted and imposed in the most stringent manner by officials who seemed to have been driven less by Euro-fervour than by a dedication to familiar British red tape.

We did come up with one example of Brussels interference: a beach on the Ayrshire coast had apparently failed to comply with EU standards, and the local council had been ordered to clean it up. I was not convinced, however, that this was quite the devastating exposé we had in mind.

The impression that Europe is a convenient scapegoat for rough petty bureaucracy that is in fact warmly embraced by British officialdom has been confirmed by two recent events. The first is the case of the bespectacled lorry-drivers, raised in the House of Commons last night. A European directive requires all lorry-drivers who need glasses or contact lenses to pass a sight test without wearing them, even if they have been working safely with them for years; this is apparently because they might be temporarily blinded if their specs fell off. Most European countries, alert to the implications, will not be enforcing it. They will exercise "grandfather rights", which allow holders of licences issued before 1983 to retain them and carry on working. The head of the EU's road transport committee says it will be

up to member states whether they wish to exercise these rights. So far, Britain is the only country that is not doing so. As a result of this absurd regulation, up to 7,000 British drivers could lose their jobs.

Exactly the same trait emerged from the long-drawn-out case of Humphrey Errington, a Borders farmer, and his Lanark Blue cheese. He had been selling it widely for years without any harmful effects when the local environmental health committee seized his stock, brought his business to a halt, and accused him of selling cheese contaminated by listeria. Part of the argument stemmed from a Euro-directive banning the sale of any dairy product containing the bacterium. Since Lanark Blue, like most blue mould cheeses, contains some listeria, albeit at a harmless strain, it seemed they had a reasonable argument.

But that directive would also have meant the end of several famous French cheeses. Not surprisingly, the French Government sought and obtained a "derogation", or opt-out. The British Government took no action until it was forced into doing so by campaigners for Britain's small cheese industry. Instead, it was prepared to stand back and see hundreds of jobs sacrificed.

Mr Errington has now won his case, and has been granted all his costs. The Sheriff who heard it was plainly shocked by the way he had been pursued to the bitter end by Clydesdale District Council and its Environmental Health Committee. They had subjected him, he said, to "the strain and expense of a long investigation". Their tactics bore "all of the hallmarks of a contentious litigation". They had used "all available weapons in the forensic armoury to achieve the condemnation they sought", and the judge accused them of a "litigious pugnacious approach".

What is it in the official mind that will take the pursuit of a health issue to this extreme? And why does Britain, supposedly a place of tolerance and good sense, encourage it? One answer may be that health and safety has become such an overweening concern in our public life that no official is prepared to risk the smallest error, while the law itself has become ever more punitively. Equally, politicians, who may delight in inveighing against Europe, will not campaign actively against health or safety regulations, however barmy, for fear of being blamed for the next food disaster or boating accident.

There is something of the grim fundamentalism about those who work to excise all risk from our lives. One fears they will not rest until all of us conform to their bleak and soulless world. It is a campaign that creeps steadily forward, and far from being stemmed by governments, it is positively encouraged by them.

Where is that Citizen's Charter when you really need it?



## Long-distance leaders

Peter Riddell on the four ministers about to break Lloyd George's record for holding office continuously

Kenneth Clarke, Malcolm Rifkind, Patrick Mayhew and Tony Newton are about to set a record for political longevity — passing the mark set by Lloyd George more than 70 years ago. In a few days, they will have served continuously in office for 16 years and 10 months — longer than anyone at a senior level since Palmerston's 19 years as Secretary at War in the 1840s and 1850s. For them, such ministerial service is a badge of pride, but should it be more a matter of regret? Such dedication to seeking and retaining office produces an unhealthy narrowness of experience and vision. Hence the attractions of fresh, or any rate distant, figures such as Chris Patten.

In May 1979, when Mr Clarke and his three Cabinet colleagues — as well as Lynda Chalker, now in the Lords — joined the first Thatcher Government, the world looked very different. Leonid Brezhnev ruled the Soviet Union; Tito still dominated a united Yugoslavia; Jimmy Carter was American President; Giscard d'Estaing was French President; Helmut Schmidt was German Chancellor, and Mike Brearley was England captain. Since then England has had 11 cricket captains; much else has changed, but the Clarke quartet have sat behind desks in Whitehall, opened their red boxes and been driven around in official cars. That is a very long time to see life, let alone politics, from one perspective.

That, of course, partly reflects an unusually long period of single-party rule. Other politicians, though not many, have served longer in total as ministers, but that has always been broken by periods in opposition or on the back benches. Churchill was in office for 29 years, but they were spread over 55 years in the Commons. R.A. Butler, the quintessential man of office, served as a minister for 26 of his 36 years as an MP. But the Clarke quartet have not survived simply because the Tories have been in office for so long. Others have fallen by the wayside since 1979. Half of the original Thatcher Cabinet had gone by the mid 1980s, and apart from John Major's current team, 51 ministers have served in the Cabinet since 1979 and departed. Two left because of ill-health, one lost his seat, eight either resigned because of policy differences or personal problems, and 20 were effectively sacked. Only 20 of the 51 can be said, even charitably, to have gone voluntarily.

What distinguishes the Clarke quartet is not their ambition, but their survival qualities. That is partly because of age. With the exception of Sir Patrick Mayhew, who is now 66, the other three were in their 30s or early 40s in 1979 (Mr Rifkind is still only 49) and have spent their political prime in office. They have all proved competent men of office, avoiding either public disasters or policy rows: as leaders of the Commons and chairman of several Cabinet committees. Mr Newton has become the classic backroom operator. Mr Clarke has only become more controversial, and Commons is to serve on the front bench. Some Tories are leaving in anticipation of a period in opposition.

Holding office has become much more important than 25 or 30 years ago. Francis Pym, a former Foreign Secretary, commented on leaving the Commons in 1987 that when he was first elected in 1961, "a comparatively small proportion either wanted to become, or expected to become, ministers. Today it is the legitimate ambition of everybody". A survey by Michael Rush of Exeter University showed that, among the MPs first elected in 1992, 60 per cent of Tories hoped eventually to become ministers, as did 43 per cent of new Labour members.

This trend looks likely to continue, since two-fifths of the Tory candidates to be selected so far in the party's existing seats are already full-time politicians, whether former MPs or special advisers or consultants. The most striking characteristic of the Blairite Labour Party is its determination to win office. Policy differences, even personal jealousies, are submerged in that aim. Most members of the present Shadow Cabinet have spent the peak period of their political careers in opposition. If Labour fails to win the next election, several leading lights may drop out of frontline politics.

The association of the rise of the full-time politician with a desire for office is perhaps inevitable when so many other careers have become professionalised. There are advantages in long service, since one of the most frequent complaints of civil servants and outside groups is that ministers are moved around too often. But there is a distinction between length of service overall and time in any individual department. All four of the Clarke quartet have mastered the

ways of Whitehall, having served in between four and seven departments each. No one can accuse Mr Clarke or Mr Rifkind of becoming stale. But there are risks too. A Whitehall mentality can develop, cut off from the rest of Parliament, let alone the outside world. This can produce arrogance and impatience with new ideas. Half the current Cabinet have been ministers for at least a decade. Whereas when the Republicans controlled the White House for 12 years, few senior officials survived even the two Reagan terms, let alone through the four Bush years as well.

The present career structure is mainly one-way: an MP rises, then stumbles or tires out; there is seldom a second chance. The exceptions show why it would be better if careers were more varied. Michael Heseltine spent nearly five years on the back benches after resigning over the Westland affair, and returned to a more powerful position than he would ever have had under Margaret Thatcher. A less successful example is Cecil Parkinson, who never matched his 1982-83 power when he returned to the Cabinet in 1987. Sir George Young served as a junior minister for seven years before being dropped in 1986, was a backbencher for four years before being brought back as a senior whip in the dying days of the Thatcher regime, before rising to join the Cabinet last July.

In all these cases, former ministers remained in the Commons before returning to office. It is much harder to return to the Commons and resume a career. Roy Jenkins had a big impact on the politics of the Centre in the early 1980s, but he was never the force in the Commons he had been when he returned in 1982 after 5½ years away. That is Chris Patten's dilemma now. Politics, and Westminster, has changed a lot since he left nearly four years ago. New leaders have emerged. Mr Patten certainly has the backing of the Prime Minister (too obviously so) and the good wishes of many on the Tory Centre-Left. He could also bring fresh insights and his engaging talents. But he has to judge whether he would feel at home in a very different Tory party and House of Commons.

The celebrations of the Clarke quartet's record should perhaps be muted. Their longevity in office is a tribute to their qualities as career politicians. But we might be better governed if ministers had fewer years in office and broader experience.

## China menaces Taiwan

Peking's threats are serious, Lawrence Freedman writes

Tomorrow, China will begin test firings of missiles close to Taiwan's two major ports, although in international waters. This follows reports of 150,000 Chinese troops gathering across the Taiwan Straits, including one airborne division, as well as more than 200 combat aircraft, in preparation for large-scale exercises. On Tuesday, speaking to the National People's Congress, the Prime Minister, Li Peng, refused to renounce the use of force while stating his preference for peaceful reunification, and warned that his country would "brook no interference by outside forces".

The Chinese wish to unnerve Taiwanese voters as they prepare for executive and legislative elections on March 23, and to warn off the rest of the world, despite the political and economic chaos which would engulf East Asia if there were a revival of the Chinese civil war.

The idea that China might attempt to take Taiwan by force seems preposterous. But then so did the idea that Argentina would seize the Falkland Islands, or that Iraq would occupy Kuwait. Speculating democracies rarely appreciate the risks that authoritarian governments are prepared to run.

Taiwan is China's most important item of unfinished business, left over from 1949. When the Communists swept to victory in the civil war, the remnants of the Nationalist forces scurried across the Taiwan Straits. Under American protection, they survived, rebuilt their military strength, and turned themselves into one of the first of the Asian economic "tigers".

Peking and Taipei both insisted that there was only one China; they disagreed only over its legitimate government. With neither inclined to resolve the matter by force, a sort of stability resulted. Hopes for unification came to focus on the Hong Kong formula of "one China, two systems". Rapid economic growth would open up China, strengthen business ties and cultural exchanges, leading to direct air and sea links. Eventually the boundary would become a blur. There would be no need for a takeover: they would merge.

This hope has been subverted by democracy, as it is embraced by Taiwan and resisted by China. Peking's disdain for democracy both discourages Taiwanese confidence in the "two systems" formula and allows them to express an interest in independence. The shattering of the "one China" myth would be unbearable for China's leaders. Throughout the communist period, a high priority has been given to the reconstruction of former boundaries — taking over Tibet in 1950, waging war with India in 1962, skirmishing with Russia in 1969 and as recently as 1978 moving en masse into Vietnam, after border incidents. The Chinese believe that their overwhelming local power has helped to bring Hong Kong back into the fold next year, to be followed by Macao in 1999.

China's growing stake in the international economy might encourage sensitivity to international opinion. But as a permanent member of the UN Security Council, China could veto any sanctions proposed in retaliation to the use of force.

An invasion would undoubtedly trigger uproar in Washington, and calls for a trade boycott, but China is now the sixth largest trading partner of the United States (Taiwan is the seventh) and many would be nervous about making an unstable situation even worse.

The most compelling reason for caution in Peking is that Taiwan would hardly be a walkover. An invasion would require a major amphibious operation against well-defended forces backed by modern aircraft. For the moment this is beyond China's capacity, although rapid economic growth is now funding military modernisation, and Chinese forces need no longer be organised against a Soviet attack.

This is not an issue on which Peking can back down. Whatever its short-term intentions, it will not compromise in the long term. The dynamics of such crises can lead to sudden and unwanted escalation. Western leaders must start responding to Chinese behaviour now, rather than waiting until they are confronted with a major emergency.

For John Major, who recently met Li Peng, a smooth transfer of power in Hong Kong squeezes out other issues. The response of the United States, which once deployed troops and even nuclear weapons to defend Taiwan, has also been muted. Grossly intimidating behaviour is apparently tolerable so long as it is assumed that nothing much will happen soon.

All this has reminded Taipei of its isolation, and will encourage China to resort to the same methods any time the Taiwanese appear to have forgotten that they are merely a wayward province. Other East Asian countries which are wary of Chinese ambitions in the long term will be forced to conclude that they can rely on neither international organisations nor external powers — but only, like Taiwan, on their own military strength.

## Hare raising

LUVVYLAND is in turmoil. David Hare, the left-wing playwright who won an Olivier award this year for his play *Skylight*, has pulled out in a huff from a similar theatrical prizegiving.

His agent, presumably acting on instructions, has told organisers of the £25,000 Playwright of the Year award that he will not attend the ceremony unless he wins.

Hare had been shortlisted for the Lloyd's Private Banking award, but the winner and runners-up will not be known until Dame Diana Rigg announces them at the ceremony on Sunday. Now, he has told Lloyd's that his name must be removed from all publicity material.

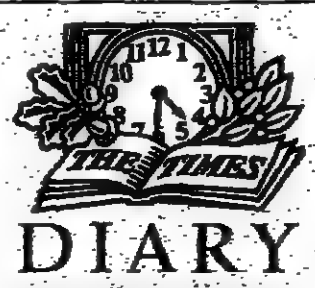
Lloyd's is doing its best, but points out that the ten-strong shortlist has already been published. "We greatly respect Mr Hare's work and are disappointed at this decision," says a representative, "but this will not affect the announcement of the award."

Hare's agent is baffled: "David was being very gracious. There are young people who need the award far more than he does. For a young writer it would be a bonanza."

This column is delighted to add its weight to the suggestion floated yesterday by Radio 4, that following the Nuffield report, organs should be transplanted into humans from "specially bred pigs". Meanwhile, readers might like to offer their own candidates.

### Dedication

BARONESS Thatcher has been booked for an event that will surely bring a lump to her throat. This autumn, she will rededicate the Methodist chapel in which her



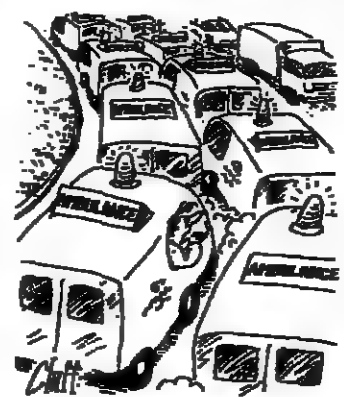
father used to preach — once it has been reassembled in the mid-West. The late Alderman Alf Roberts was as stirring as any lay minister when he fulminated from the pulpit of the chapel in Sprouton, near Grantham. But by 1988, the building had been abandoned to the elements. Then a kindly professor from Baker University took a fancy to it. He has arranged for it to be shipped stone by stone across the Atlantic, like London Bridge, to the Kansas campus, where reconstruction is under way. "It fits in well — the university dates from 1858, and the chapel was built in 1864," says a delighted don. And a real baroness to boot!

Lord Jay, who died on yesterday, was much admired as a fellow of All Souls College, Oxford, where he would entertain younger members with stories of the days when

he worked on this newspaper. He kept company with Graham Greene, also a sub-editor, with whom he spent more time playing word-games than working.

### Poacher

ROBERT KILROY-SILK has taken on the Duchess of York's former press person Dominique Vulliamy, whom Fergie "let go" in January. Dominique, who tells me she reads *The Economist* on her exercise bike of a morning, starts next week on his show, and there are hopes that



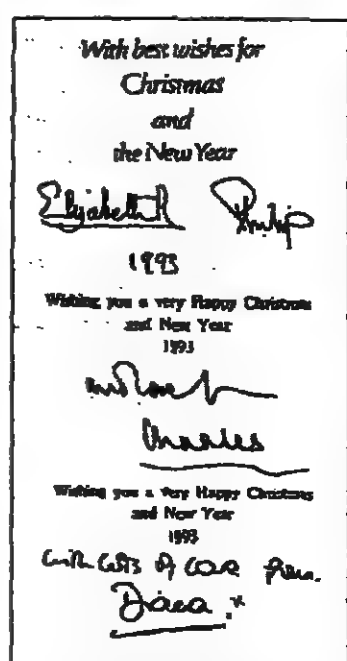
he will persuade Fergie to appear. One of her principal difficulties with "the Duch" was Dominique's pathological loathing for Hello! magazine. "But I've always wanted a job in television," she says.

Prince Edward is dipping his toe into the murky waters of his eldest brother's divorce negotiations with the Princess of Wales. Tonight's episode of *Annie's Bar*, the appalling political soap produced by his TV company, Arden, touches on the matter. "Diana is viewed as new Labour material," says a scriptwriter. "Charles is being backed by the shire Tories."

### Card sharp

MONARCHISTS are snorting in disgust over what they see as an appalling breach of trust. For what is believed to be the first time, contemporary Christmas cards from the Royal Family have popped up for sale at auction.

Five cards from different royals to "David and Caroline" today go under the gavel in Swindon. Experts suggest that they might originally have been sent to the Duke and Duchess of Beaufort, a wonderful lady who died last year. The auctioneer, Dominic Winter, says the vendor was the land agent



### Christmas profits

Simon Dring said: "If this has anything to do with His Grace or the Duchess then it is done without their knowledge." Were you disloyal enough to bid, the lot could set you back £200.

P.H.S





## HONG KONG PHOOEY

Chris Patten is a poor bet to be the next Tory leader

It seems that John Major has found a crown prince across the water. The warm words from the Prime Minister on yesterday's Today programme and the quiet words whispered in correspondents' ears suggest that Mr Major has decided the next leader of the Conservative Party should be the current Governor of Hong Kong, Chris Patten. An elegant thinker unsullied by association with the failures of the past five years he could, apparently, reinvigorate the Tories in victory, or, as seems more likely, defeat. The rover's return has already provoked chirrupings of the highest excitement.

There remain, however, strong reasons to doubt whether Mr Patten should, or could, ever lead his party. His advocates argue that his time in Hong Kong has dried and deepened a politician who a decade ago was conspicuous for what was then called "wetness". The economic success of the low-tax and light-regulation regime which he presides over in Hong Kong has now converted Mr Patten to arguing for a smaller State in Britain. He is also, apparently, more Eurosceptical, having seen Hong Kong, an offshore island, flourish outside a massive currency union, and having seen how Europe's introversion compares with the breadth of Asian economic ambitions.

Pleasing though Mr Patten's conversion to Tory principles of low taxation and national independence may be for a party increasingly at ease with its conservative roots, MPs have a right to ask where this man who may bid to lead his party was when the big battles were being fought. They may remember that in 1981 he contributed to a pamphlet, *Changing Gear*, and in 1983 he wrote a book, *The Tory Case*, which were attacks on liberal economics and critical commentaries on Thatcherism. Both works displayed a skilful pen and supple mind but their author aligned himself with the intellectual opposition to his party's leader.

When it required willingness to take on the collectivist consensus, Mr Patten was found wanting. Conservatives argue that Tony Blair is the wrong choice to lead this

country because he was on the Left and in error in the Eighties and his recent lurch to the Right is designed to woo disaffected Tories. The same could be said, albeit to a lesser extent, of Mr Patten.

But even if Mr Patten should lead the Tories, it seems difficult to see how he could. He has pledged to remain in Hong Kong until at least two months after the last possible date for the next election. The best chance Mr Patten has depends on Mr Major delaying the general election until 1997 and then winning it. But even if Mr Major is still Prime Minister when Mr Patten returns, he cannot easily fix things for his friend.

Mr Patten would have to re-enter the Commons at a by-election and the Tories have not won one for seven years. Voters always enjoy using these polls to punish the Government for wrongs, real or imagined, and particularly relish doing so when the election is caused by a party leader rather than the Grim Reaper. Convincing a constituency association to adopt Mr Patten would be hard; smuggling him past the voters would be harder still.

If the Tories lose, especially if they lose badly this autumn, Mr Patten's prospects look bleak. The endorsement of a leader who was a loser could be a political black-spot. The succession might be settled before Mr Patten had even eased himself into dub class for the journey back to Westminster. Mr Patten's competitors for the crown on the centre-left — Kenneth Clarke, Stephen Dorrell, Malcolm Rifkind and others — are hardly likely to suppress their ambitions for the sake of an absent friend.

If the Tories lose narrowly and John Major is able to stay on for a while then Mr Patten has perhaps another chance. But it is still not a great one. Harold Macmillan was the last Tory leader to engineer the succession on his own terms. He flinched from choosing either a significantly younger, or a more assertive Tory, heir and saw his party take three elections to recover. It is unlikely that Mr Major, even if he wants to, will be able to repeat Macmillan's trick. Perhaps that is no bad thing.

## FISH, FISH, FISH

But unless Britain acts now, our nets will soon be empty

Not for the first time, the European Court of Justice has stung Britain with a bad judgment. It has ruled that the Government must compensate Spanish fishermen for loss of earnings incurred during a three-year period from 1989 to 1991, during which they were — in our view rightly — prohibited from catching fish in British waters. Pessimistic aquarists estimate that the sum involved could exceed £30 million — or five-and-a-half billion pesetas, to use a formula with which the fishermen should be more at ease.

As the European summit meeting at Turin approaches, Britain must prepare a crusade in defence of its fishermen, and of those deep-sea resources it has surrendered to common European plunder. After last December's shameful carve-up of the Union's fisheries resources — which brought them no advantage, only loss — Britain's fishermen are angry and bewildered. Monday's ruling by the European Court has incensed them; it should also incense the British Government.

If there is an area of European Union policy whose stretch is more disagreeable than any other — more so, even, than agriculture, subsidies for state-run airlines, the Schengen pact or the rotating system of the presidency — it is fish. There is no stack of rules more irrational, no programme more hostile to the conservation of stocks, than the ragbag which passes for the EU's common fisheries policy. It is determined only by the short-term, purlind interests of a handful of vociferous countries: Spain, of course, leads the pack. These countries, which include France and The Netherlands, have pressed for ever more avaricious

quotas, ensuring in the process that "Europe's" stocks will remain forever depleted.

The present policy is responsible for an annual subsidy of about £400 million to Europe's enormous fishing fleet, a bloated third of which is Spanish. By this policy, the EU attempts to reconcile the irreconcilable, the protection of attenuated fish stocks with the short-term economic interests of the fishermen of some of its member states. What the EU needs, instead, is to cut its fleet by three-quarters: why cannot some of this absurd and counterproductive subsidy be used to redirect fishermen into other activities?

Yet no reform would be effective if it failed to address the source of the present crisis: "quota hopping" and flags of fishing convenience. The 1988 Merchant Shipping Act — under which "British" boats of Spanish origin were excluded from our waters — provides a suitable template with which to work. There must be nationality and residence conditions for vessel owners, operators and employees. Fishing companies wishing to register in Britain must prove that their vessels are at least 75 per cent British-owned.

Britain cannot sit back passively and allow its resources to be ravaged and its fishermen put out of work. It cannot even afford merely to record a complaint in the usual polite manner: it must fight against the European fisheries policy in the European way. The time has come for it to demand — with vigour, aggression and the strongest temper — an urgent review of the farce that is the common fisheries policy. Nothing less than a radical, top-to-bottom overhaul will do.

## NATIONAL NUNN

A welcome to the new ambassador of theatre

After weeks of backstage whispering, it was yesterday announced that Trevor Nunn is to succeed Richard Eyre as director of the Royal National Theatre. Mr Nunn ought to prove a glittering — if mercurial — artistic ambassador. The National Theatre has long been recognised as the jewel in the crown of British arts. Although in orchestral and operatic terms London, unable to afford the biggest names, has lost some of its sheen, in the realm of theatre it still reigns supreme.

Few things in life are less predictable than success in the theatre. But, inasmuch as any prediction can be made, Mr Nunn has assuredly the artistic vision needed to take the most powerful role in British theatre. During his 18 years as director of the Royal Shakespeare Company he provided some of the greatest moments of the post-war theatre. He is a proven animator of classical texts, a teaser of cryptic couplets and a scraper of harnessed conventions. If the RSC is eventually to return to its roots and leave the capital, the National Theatre will be well equipped to assume its mantle in London.

But Mr Nunn's repertoire is wider too — from his Glyndebourne production of *Porgy and Bess* to his highly naturalistic *Peter Grimes*. In the world of musical spectacular he has revealed himself a maestro with the Midas touch, directing the most commer-

cially successful shows of our era, *Cats*, *Starlight Express* and *Chess* included.

There has been criticism that Mr Nunn's commitment to administrative duties will fall short of those required for the running of such a complex and delicately balanced organisation as the RNT. But the National is an institution designed for the direction of a single powerful figure. At Stratford he did acquire the reputation of an absentee landlord. But let us accept the case that he was youthful and ambitious then. At 28 he was the youngest-ever artistic director of the RSC: he had a reputation and a fortune still to make. Now 56, the oldest of the candidates in contention for British drama's most influential job, he ought to prove more stable than the younger contenders.

Mr Nunn can now afford to let other, more youthful talents flourish. His own wisdom of age and experience will be called into play when he comes to address the future of the National Theatre itself. He will have to weigh up the balance between tradition and experiment, commercialism and artistic idealism. In his five-year term he will have to establish the role of the RNT in the new millennium. His predecessor, Richard Eyre, did a magnificent job for the nation and its theatre. Mr Nunn is the best choice both to succeed him and to succeed for the National.

## Call for Islam to condemn bombers

From the Chief Rabbi

Sir, The people of Israel have taken significant risks for the sake of peace. So, too, have moderate Palestinians. This week those risks have been repaid by terrorism, carnage and the destruction of innocent life.

Religion can inspire great good. It can also be used blasphemously to justify great evil. It can drive the search for peace. But it can also lead clerics to teach suicide bombers to believe that they can find their way to heaven by killing children.

At such times religious voices need to be heard. Along with other Jewish leaders, I have raised my voice loudly in condemnation when violence has been committed by Jews. I now call on leaders of Islam throughout the world unequivocally to condemn this tragic perversion of their faith.

It took a grievous tragedy, the Holocaust, to teach Christians and Jews to find a new way to speak and live peacefully with one another. That new way now needs to be joined by leading figures within Islam. How many more tragedies must we endure before the sanctity of life takes precedence over the sanctification of bloodshed?

Yours faithfully,

JONATHAN SACKS,

Office of the Chief Rabbi,

735 High Road, N12,

March 6.

## 'Poaching' doctors

From Miss Jane Trembath

Sir, It was ironic to read how South African doctors are being snapped up by British hospitals (letters, February 15, 22, 24), especially as the first of 600 Cuban doctors arrived in South Africa last week to fill our need in the rural areas, under a scheme thought up by Mrs S. Nkosazana Zuma, the Health Minister.

Mrs Zuma said on television last night that they don't speak English (or any other South African language), unlike the doctors trained in this country at taxpayers' expense, who are leaving our shores in droves.

Perhaps British hospitals could hold back on employing them at least until they have served a period of community service in South Africa.

Yours faithfully,

J. C. TREMBATH,

167 Cranbourne Avenue,

Benoni 1501,

Gauteng, South Africa.

March 3.

## Lottery access

From Mr Granville Davies

Sir, Is it not time that the National Lottery, like other monopolies in the past, be opened up to competition to improve its efficiency and give consumers a genuine choice?

As with British Gas, the same supply lines could be used to allow competitors equal access to the market.

Yours truly,

GRANVILLE DAVIES,

5 Warren Wood, Warren Road,

Crowborough, East Sussex.

March 5.

## Lawyers' code

From Mr F. Walford Taylor

Sir, So solicitors are to be issued with "guidelines" on how to behave (report, March 6).

As a solicitor of over 40 years' standing I find this deeply offensive. When I entered the profession there was a well known saying that "solicitors are gentlemen by statute", although, in fairness, the Secretary of the Law Society at the time was unable to find authority for the proposition, despite considerable research.

Instead of foisting upon us pathetic and verbose politically-correct guidelines, if it is really deemed necessary, would not a simple reminder to us that we should act like gentlemen — I'm sorry, gentlemen — be quite sufficient?

Yours faithfully,

F. WALFORD TAYLOR,

Southlands,

29 Compton Way,

Moor Park, Farnham, Surrey.

## VCs by post

From Mrs J. N. P. Watson

Sir, The fact that the widow of John Taylor, who won the Victoria Cross at Sebastopol (report, February 24), was not permitted to attend the first such investiture in 1857 and had the medal posted to her is of particular interest to my family.

My uncle, Lieutenant Maurice Dease, Royal Fusiliers, the first to be awarded the Victoria Cross in the First World War, was killed at the battle of Mons, 1914. The award was posthumous.

His parents also received the medal by post — in an unregistered envelope. It was recently donated by my brother, Major Maurice French, to the Royal Fusiliers Museum in the Tower of London.

Yours faithfully,

LAVINIA WATSON,

Pannett's,

Shipley, Horsham, Sussex.

February 24.

## LETTERS TO THE EDITOR

1 Pennington Street, London E1 9XN Telephone 0171-782 5000

### Armed Services' bar to homosexuals

From Mr Marcus Walker

Sir, Your Defence Correspondent is wrong to suggest (report, March 5) that the unpopularity of gays among military personnel provides the Government with "ammunition to fight legal battles in the European Court of Human Rights". The legal offices of the Government suspect that they will probably lose before the ECHR. Opinions held in the Armed Forces make no difference whatsoever.

Besides being of dubious legality, the ban on gays in the Armed Forces is morally wrong. The MoD is not claiming that homosexuality is unhealthy or that gays are intrinsically unfit to serve. It wants gay personnel expelled because their colleagues are intolerant and their open presence would hurt group cohesion.

This is entirely unrelated to gays' own professional conduct and no better than keeping black soldiers away from whites to avoid friction. How ironic that racial prejudice in the military is treated as something that must be challenged rather than catered to. It is worth recalling how US service chiefs once urged that racial desegregation would harm the morale, discipline, efficiency and operational effectiveness of hitherto white units. They also argued that the forces were "not a sociological laboratory". Yet the Truman and Eisenhower administrations proceeded to abolish racial restrictions, at least partly due to civil rights pressure.

This did indeed lead to friction and sometimes violence. The US Armed Forces survived, as would Britain's if they accepted the rather similar problems connected with allowing gays to serve.

When the MoD's report is considered by Parliament MPs should ask themselves whether overwhelming hostility towards including black soldiers and warnings of effects on units' performance would justify a policy of exclusion. If not, why are gays a different case?

Yours faithfully,

MARCUS WALKER,

(Researcher, Royal United Services Institute for Defence Studies),

70 Leventon Street, NWS.

### Benefits to Irish of prolonged peace

From Professor Dermot McAleese and Professor John E. Spencer

Sir, The positive profile of Ireland, North (NI) and South (RI), arising from the peace process has already given a major boost to tourism, external investment and the local economy. A period of sustained peace would assure more economic benefits in the future.

Tourism has already been given an immense boost. Average room occupancy for NI hotels during 1995 rose to 62 per cent, the highest rate since records began in 1973; holiday visitors were up 68 per cent on the 1994 level and total revenue from visitor tourism is up 20 per cent. A 1995 study by Indecon consultants, based on opinion surveys of international tour operators, indicates that a lasting peace could boost tourist numbers to NI by 117 per cent, and to RI by 44 per cent.

Inward investment also shows evidence of increasing sharply. In the first eight months after the ceasefire 200 visits were made by US firms to NI compared with 25 for the whole of 1994. According to the Indecon survey, existing multinationals believe that inward investment to NI could increase by almost 51 per cent and to RI by 33 per cent if the peace process is sustained.

Benefits can also be expected from increased cross-border trade, from sharing infrastructural resources and from elimination of the economic waste caused by the violence: wasted time in queues and traffic delays, wasted effort, and a sense of futility and hopelessness — not to mention wasted lives.

A study published last July by the Forum for Peace and Reconciliation concluded that if a comprehensive

From Mr Peter Tatchell

Sir, The Ministry of Defence report claims that accepting homosexuals into the Armed Forces would undermine morale and fighting efficiency.

Yet at the moment in British history when military morale and efficiency were most vital — during the Second World War, as Britain faced the threat of Nazi invasion — vast numbers of homosexuals were allowed to serve in combat units, some quite openly. The strict exclusion of gays was halted.

Many homosexual war veterans recall that they were accepted without complaint by their fellow soldiers and commanding officers.

They also recall that after the Nazis were defeated the Armed Forces hypocritically resumed their anti-gay purges, proclaiming homosexuals "unfit" for military service. Gay soldiers who had been regarded as war heroes were dishonourably discharged or court-martialled and jailed.

Lesbian and gay service personnel are, it seems, enlisted whenever it suits the Ministry of Defence and discharged whenever it doesn't.

Yours etc,

PETER TATCHELL,

45 Arrol House,

Rockingham Street, SE1,

March 5.

From Miss Irena Ray-Crosby

Sir, I was horrified to read of the instances of homophobia in the Armed Forces.

It defies belief that, according to the anonymous responses given to the questionnaire which you report today, some service personnel would not give a gay man first aid, would let him die of hypothermia and so on, simply because he is gay.

The Government should be combating this murderous prejudice, not encouraging it by upholding the current ban.

Yours faithfully,

IRENA RAY-CROSBY,

41 Chatterton Road, N4,

March 5.

### Prospective title of new republic

From Lord Dacre of Glanton

Sir, Mr Terry Donnelly asks (letter, March 5), what shall we call our new State after the monarchy has been dismissed, the House of Lords declared redundant, and Scotland and Wales allowed to secede? Our history provides a perfectly good answer.

In 1649 the monarchy was dismissed, the House of Lords was declared redundant, and Scotland and Ireland seceded. The new State was called "The Commonwealth of England": an admirable title.

It is true it did not live up to its prospects. Scotland and Ireland were subjected by force, the Government became a military dictatorship, and its reformed Upper House was a fiasco. After ten years the brave new republic collapsed and the old system was restored.

The restored monarch, King Charles, was not ideal (few rulers are) and his love-life was censured by severe moralists, but the nation found him more to its taste than the alternative which it had experienced. That, however, is another matter.

Yours faithfully,

DACRE OF GLANTON,

House of Lords,

March 5.

From Mr Warren W. Williams

Sir, A. L. Donnelly asks what the new republic should be called after power is devolved to Scotland and Wales, after the Labour Party comes to power and does the monarchy in. I'll tell you what it should be called: stupid.

Sincerely yours,

WARREN W. WILLIAMS,

The Coach House,

20 Western Lane, Mumbles,

Swansea, West Glamorgan,

March 5.

### Juries and justice

From Mr Michael Stephen, MP for Shoreham (Conservative)

Sir, I disagree with Mr Ronald Thwaites, QC (letter, March 1), see also letters, February 22, 26, that previous convictions are not logically relevant to the issue of guilt in a later case.

Most ordinary people, if asked to decide whether a man had committed an act of violence or an act of dishonesty, would consider it relevant that he had shown himself capable of such behaviour in the past. Of course, that does not prove that he has done it again, but it is a factor to be considered.

On the "give a dog a bad name" principle, the law of evidence at present keeps magistrates and juries in the dark about these facts, and many consider themselves cheated when, after acquittal, they discover that a long history of serious criminality has been concealed from them.

Of course, it is an injustice if an innocent man is convicted, but it is no less an injustice for a guilty man to go free.

Yours sincerely,

MICHAEL STEPHEN,

Member of Commons,

March 1.

From Mr Nicholas Baker

Sir, Jurors are not paid (Mr Graham Chalmers's letter, February 26); they are compensated for loss of earnings. If not in work at the time of jury service, clearly a juror cannot claim for such a loss, but will not lose out on income support or benefits.

An unemployed person therefore suffers no loss by doing jury service. It is only the employed who earn more than £225 per week who may find themselves poorer for the experience — at least in direct financial terms.

Such is the price to be paid for a system of justice which may not be perfect, but is certainly more attractive than some on offer in other jurisdictions.

Yours faithfully,

NICHOLAS BAKER,

17 Criffel Avenue, SW2,

February 27.

### Naval role

From Commander N. R. Messinger, RNK (ret'd)

Sir, The Royal Navy is in danger of becoming a cure in search of a disease. Instead of raising spectres of new and more frightening Akula-class Russian submarines (report, February 19), perhaps it could be deployed on an assignment of real national significance, namely the defence and protection of this island nation's valuable marine environment.

The time has come to beat Swifts into salvage tugs.

Yours etc,

NICK MESSINGER,

Guggleton Farm, Stalbridge, Dorset,

March 1.

### Animal wrongs

From Councillor David A. Cooper

Sir, Normally a devotee of Matthew Parris's political sketches, I believe he crossed the threshold of common decency today in comparing MPs to bats. This was grossly insulting to bats.

Yours faithfully,

DAVID A. COOPER,

45 Salhurst Road,

Rushmore St Andrew,

Ipswich, Suffolk,

March 6.

Business letters, page 27

Letters that are intended for publication should carry a daytime telephone number. They may be sent to a fax number — 0171-782 5046.







## OBITUARIES

Lord Jay, PC, President of the Board of Trade, 1964-67, and Labour MP for Battersea North, 1946-83, died yesterday aged 88. He was born on March 23, 1907.

Douglas Jay had one of the ablest and most original minds in the postwar Labour Party. He did much to clarify the party's thinking and formulate its economic policies in the period immediately after the war. In the aftermath of the 1959 election — a moderniser before his time — he shocked many party members and embarrassed the leadership by suggesting that Labour should drop nationalisation from its programme, change its name and shed its working-class image.

In his later years in politics Jay's main concern lay with opposing Britain's entry into, or continued membership of, the European Union. His anti-Europeanism was not just a matter of xenophobia, although there was an undoubted element of this in his make-up. It was said, for example, that he always carried a packet of English sandwiches — or even a British pork pie — in his briefcase on trips to the Continent so that he did not have to subject himself to the dangerous uncertainties of foreign food.

But in reality he was one of the last of the old "blue water" school of economists and politicians; he believed that Britain should trade naturally across the world, buying food and raw materials in the cheapest markets.

temperament, as befitted his Winchester and New College upbringing, Jay was a quiet, rather severe intellectual who set himself high standards of public conduct and sought influence rather than power. He never seemed to worry much about the impression which he created upon others. A minor manifestation of this was his indifference to how he looked or dressed — though favouring double-breasted suits, they always somehow appeared ill-fitting and in his later years his jacket and tie were often speckled with food-stains.

As a Commons performer, he was much better than he sounded. Although he had a nice taste for the acidulated phrase, he disdained histrionics and had no capacity to beguile or to entertain. He sometimes gave the impression of forcing

himself into an aggressive political posture because he thought it was expected of him, though privately he knew it was all a lot of nonsense.

This lent him a sardonic air, which his tall, gaunt, untidy figure did nothing to remove. But his qualities of integrity and modesty earned him the solid respect of colleagues in both the House of Commons and, later, the House of Lords. Those who knew him best had a wealth of affection for him.

Douglas Patrick Thomas Jay was the son of Edward Aubrey Hastings Jay of Hampstead and Isobel Violet Jay. At Oxford, where he was a contemporary (as he had been at school) of Hugh Gaitskell and Dick Crossman, he won the Chancellor's English Essay Prize and took firsts in both Mods and Greats. He was a Prize Fellow of All Souls from 1930 to 1937. Meanwhile, he had joined the staff of *The Times* and was on its sub-editorial staff from 1929 until moving to *The Economist* in 1933. He was there for four years and then worked on the *Daily Herald* as City Editor for another four.

In 1937 he brought out *The Socialist Case*, a persuasive and well-argued exposition of what he called "democratic socialism" stated largely in economic terms. It was in this book, later republished, that he used a form of words often quoted (and misquoted) out of context against him. He wrote that in the case of nutrition and health, just as in education, "the gentleman in Whitehall really does know better what is good for people than the people know themselves". In spite of his protests that the implications drawn from a selective quotation conveyed the reverse of his general argument, his political opponents cherished and endlessly repeated these words as a classic statement of Fabian arrogance and elitism.

Jay was an assistant secretary at the Ministry of Supply, 1941-43, and spent the last two years of the war as a principal assistant secretary at the Board of Trade. When Clement Attlee won the 1945 general election — something Jay frankly confessed only last year that he had never remotely foreseen happening — the new Prime Minister chose the able young socialist civil servant as his personal assistant inside No 10. It



was a modest but useful introduction to the corridors of power.

In 1946 Jay went to the Commons, by way of a by-election in the safe Labour seat of Battersea North, which he continued to represent for the next 37 years. The following year he was made Economic Secretary to the Treasury, a Whitehall department which suited him perfectly. He enjoyed working with Sir Stafford Cripps, a Chancellor whose ideas coincided with his own — Jay was a bold planner

— and he stood loyally by Cripps, playing a crucial part during his chief illness, over the devaluation crisis of 1949. From 1950 to 1951 he was Financial Secretary to the Treasury.

In Opposition after 1951 Jay, as shadow President of the Board of Trade, steadily established himself as one of his party's leading experts on the economics of industry and commerce. The new Labour leader, Hugh Gaitskell, came increasingly to rely on him as one of his most loyal,

level-headed and sagacious lieutenants. In the middle of the agony of self-analysis which followed Labour's defeat in the 1959 general election, Jay sprang a mine which many (wrongly) thought Gaitskell himself had prepared. In an article in *Forward*, by then the loyalists' rival to *Tribune*, he argued that the word nationalisation had become damaging to the party and that it should be dropped from the new programme. This and his counsel that it was time to get rid of the "working-class image" set off a detonation which was to echo for months while the original battle over Clause Four was fought and lost by Gaitskell.

Jay stood his ground, unperturbed by the furor he had created. He developed his case more fully in *Socialism in a New Society* which came out in 1962. Meanwhile he stood firmly by Gaitskell's side in the tussles over the latter's leadership and in September 1962 had the satisfaction of seeing his leader — just before he died in January 1963 — come down on the anti-side of the party argument over the Common Market.

By the time Harold Wilson came to form his first Government in October 1964 the old controversies had been largely forgotten, and his choice of Douglas Jay as President of the Board of Trade was acclaimed as a just recognition of his talents. Although his department had ceased to have the policy-making functions it had once possessed — he merely had to carry the can for the Wilson Government's initial 15 per cent imports surcharge that had been decided upon against his unavailing protests — he found plenty to occupy him, particularly in the detailed application to industry of the prices and incomes policy.

Although he was probably happiest working at his desk in London, he also travelled abroad a good deal, and he was the first British minister to visit Communist China.

During the summer recess of 1967, Wilson arranged to meet Jay at the convenient if unlikely, venue of Plymouth railway station. There he told Jay that he wanted his Cabinet Ministers to be under 60. There was no doubt, however, that the real reason for Jay's dismissal from office was his increasingly overt campaign against British membership of the Euro-

pean Economic Community (the *Daily Mirror*, then still under the control of Cecil Harmsworth King, had been clamouring for his head for months).

He spent his last 16 years in the Commons as a rather lonely backbencher, largely preoccupied with the European issue. He articulated his opposition to the EEC in his *After the Common Market*, published in 1968, and from 1970 to 1977 was chairman of the Common Market Safeguards Campaign. He was a prominent member of the "No" lobby in the national debate which preceded the referendum on Britain's continued membership of the EEC in June 1975. He retired from the Commons in 1983 and in 1987, somewhat belatedly, was raised to the Upper House at the age of 80.

Jay's was a thrifty nature, verging, except in sexual matters, on the austere. (Before they were engaged, he warned his first wife that he regarded monogamy as a sin; and when she shyly asked for an engagement ring, she was sent ten shillings and told to go out and buy one herself.)

It was perhaps characteristic that one of his greatest pleasures lay in the usually solitary occupation of walking. In his younger days he had once covered the distance from Magdalen College, Oxford, to Marble Arch in 11 hours and he and Dick Crossman thought nothing of walking together the 32 miles from Oxford to Winchester. For him long-distance hikes were an unexciting but satisfying pursuit — rather like economics. After some illuminating pages on his youth, his autobiography, *Change and Fortune* (1980), also had an appropriately dry academic flavour.

He was twice married. In 1933 he married, when she was just 20, Margaret Christian Garnett who, as Peggy Jay, went on to have a public career of her own. They had two sons — the older of whom, Peter Jay, was British Ambassador to Washington from 1977 to 1979, and is now Economics Editor of the BBC — and twin daughters.

This marriage was dissolved in 1972. In the same year he married his former secretary, Mary Lavina Thomas. She survives him, together with his first wife and the children of that marriage.

## JOYCE HICKS

Joyce Hicks, OBE, fire-fighter and golfer, died on February 28 aged 95. She was born on May 27, 1900.



Joyce Hicks by Norman Hepple, 1942

In 1941 Joyce Hicks was made one of the first women "brass hats" of the National Fire Service, and put in charge of recruitment. But her real moment of fame came during one autumn night in 1940 when, completely disregarding personal safety, she drove a small band of men from Barnes to the London Docks to fight one of the worst blazes of the Blitz.

It was the night of September 7-8, and homes in the East End had been set ablaze for many miles around by enemy bombers in a concerted attack. Further up the Thames, crowds from Castelnau to Richmond Hill gathered on the streets to watch the dreadful crimson glow emanating in the east, and the pall of smoke which hung in the air. Thousands of firemen arrived on the scene.

In Barnes a group of fire-fighters, organised by Chief Officer F.W. Hutchinson, was assembled to help colleagues in the East End. Women fire officers were generally not employed in the actual fighting of fires, although those in Barnes had been given more responsibility than many of their colleagues elsewhere in

London. Joyce Hicks was then staff car driver to Hutchinson, and she insisted on accompanying him, despite the combined risk of falling bombs and shrapnel, to the East End. There she demonstrated considerable personal bravery on the scene. The men around her worked throughout the night to contain the blaze.

This incident had greater repercussions than anyone could have envisaged at the time. In February the following year, Hutchinson wrote a moving article about the night's events, under the heading of *Fighting Blitz Fires in London's Dockland for Fire* magazine.

Because of wartime restrictions, actual place names and the identity of the Barnes team could not be disclosed, but considerable curiosity about the identity of Hutchinson's brave woman driver was sparked, and not just in Britain. The article was reprinted in an American fire-fighting journal, where it was much talked about among firemen, particularly when they discovered how

many of their British counterparts were routinely being killed in the course of their duties. From this, various appeals and funds were set up in America to support the dependents of those in Britain who had fallen.

Joyce Sybil Edkins, as she was before marriage, was born in Hampstead, the only child of John Edkins, Professor of Physiology at Bedford College, London. Joyce gained a First in Physiology at Bedford in 1923 and the following year, after a brief spell as a science teacher, married Vyvyan Hicks, a chartered surveyor.

That was the end of her professional career, and she never had children. But she was an enthusiastic sports-woman. She had represented her university at lawn tennis and hockey, and now she took up golf, and played for Surrey. On a number of occasions she partnered Kitty Godfree on Centre Court at Wimbledon (although never during Wimbledon fortnight).

Joyce Hicks joined the Women's Auxiliary Fire Service in the spring of 1939,

initially as a part-time driver of trailer-pump appliances in the Barnes brigade, but then full-time with the outbreak of war (her husband had joined the Home Guard).

By the summer of the following year, the local authority had decided to dispense with the services of women drivers, but she stayed on as a volunteer driver of her chief's car. During the heavy raids on London in the autumn of 1940, she hardly ever left her post. She would return home for a few hours at the weekends to see to her domestic affairs, but she slept with two other women auxiliaries in a dug-out.

In 1941, when the Fire Service was nationalised, she was one of the three women appointed staff officers at the National Fire Service headquarters at the Home Office, thus becoming one of the first three women "brass hats". Joyce Hicks oversaw an intensive recruitment campaign, a job for which she was particularly suited by her tactful, unflappable manner.

In 1943 she was promoted to Deputy Chief Woman Fire Officer, and she ended the war in Cambridge as Regional Woman Fire Chief for the Eastern Region. She was appointed OBE in 1945. Although she resigned her position at the end of the war, she remained actively involved with the London Fire Brigade, mostly in training, until 1954.

Golf was her main passion thereafter. She moved on to the national level of the game's organisation in various capacities, and became president of the English Ladies Golfing Association in 1977, when she was then in her mid-seventies.

Joyce Hicks lived, alone in later years (her husband died in 1963), in Mayfield in East Sussex. She was a passionate gardener, and a regular attendant and flower arranger at St Dunstan's in Mayfield.

## SIR JAMES SUTHERLAND

Sir James Sutherland, Professor of Modern English Literature at University College London, 1954-67, died on February 24 aged 95. He was born on April 26, 1900.

JAMES SUTHERLAND was a world authority on early 18th and late 17th-century literature. To the public he was perhaps best known as the author of the *Oxford Book of English Verse* and more especially the *Oxford Book of Literary Anecdotes* — a tome which must have filled many a Christmas stocking in the 20 years since its publication.

As a scholar, however, Sutherland won most recognition for works like his comprehensive 1937 biography of Defoe or his 1943 Twickenham edition of *The Dunciad* — Pope's satirical diatribe at Grub Street. His studies of the 18th century led him back towards the Restoration, particularly British prose between 1660 and 1700. He wrote the volume covering that period for the *Oxford History of English Literature* and even at the age of 85 produced a seminal study *The Restoration Newspaper and its Development*.

His list of publications was impressive not only for its length but for its breadth. If he specialised on Pope, Defoe, Swift et al, he was also extremely knowledgeable on Wordsworth and produced editions of Shakespeare and other playwrights. He was a formidable researcher with worldwide contacts, particularly on the American West Coast, and books like his *Background to Queen Anne*, published just before the Second World War, show the scope of his academic curiosity.

James Runciman Sutherland was born in Aberdeen, the son of a stockbroker. He was christened simply James, but added the Runciman part himself in memory of his

maternal grandfather with whom he spent much of his childhood. He also had two older sisters, the younger of whom died at 14, a loss over which he grieved throughout his life.

Sutherland went from Aberdeen Grammar School to Aberdeen University and then to Oxford before taking up his first lectureship at the University of Saskatchewan in 1921.

Returning from Canada he taught at Merton College, Oxford, 1923-25, winning the Chancellor's English Essay Prize while there, then at Southampton and Glasgow



before obtaining his first senior lecturer's appointment at UCL in 1930, followed by the chair of English Literature at Birkbeck College six years later. From Birkbeck he went to Queen Mary College before returning to UCL as the Northcliffe Professor of English in 1951 — a post which he held for 16 years until his retirement in 1967. As such he was joint head of the department, although by mutual agreement he left most of the administration to his colleague, Professor Hugh Smith.

A distinguished editor of the *Review of English Studies*

between 1940 and 1947, Sutherland was also visiting professor at a number of universities including Harvard, Indiana, California, Pittsburgh and New York. He gave the Warton lectures on English poetry at the British Academy, the Sir Walter Scott lectures at Edinburgh, the Clark lectures at Cambridge, the Alexander lectures at Toronto, and was also public orator at London University, 1957-62. He received many academic honours.

Sutherland's strengths included not only his assiduous research but his clear and direct prose style which made his works so accessible. As a young man he even produced a volume of his own poetry, followed by a novel. But he soon abandoned creative writing in favour of literary criticism and scholarship.

A quiet, rather shy man, Sutherland was completely without pretence. His many friends remember him tucked up in an armchair with his pipe and a glass of malt whisky, distilling his own dry Scots humour. This humour also found expression in the Crabtree Society which he helped to found in 1954. UCL staff who belong to it take it in turns at their annual dinners to lecture on their mythical polymath Joseph Crabtree. Pope and Swift would surely have approved of Sutherland's inaugural address "Homage to Crabtree", 42 years ago. In his younger days he had been a close friend of Virginia Woolf and other members of the Bloomsbury Group.

Sutherland was very belatedly knighted in 1992. He was twice married. His first wife Helen was an advertising copywriter. She died in 1975 and two years later he married his second wife Eve, widow of the film critic Ernest Betts. She survives him, together with his stepson — in whose children the indulgent Sutherland found some compensation for having none of his own.

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**NEW CLASH IN MOSCOW**

War on Peasants Opposed

Riga, March 6.

Serious new dimensions in the Communist Party in Moscow are apparently breaking out. A section of Bolshevik economists, which enjoys the partial support of the Rykov-Kalinin group (Rykov is president of the Union Council of People's Commissars; Kalinin, head of the Union Central Executive Committee), has been stubbornly insisting at numerous conferences at the Kremlin and at meetings of the Political Bureau of the Party in the last few weeks on the internal and external perils of the recent tendency to readopt the methods of "militant" Communism — that is, the Communism which was in vogue before Lenin introduced his New Economic Policy giving a measure of freedom to private traders.

The dissenting section opposes chiefly the latest onslaught on the more prosperous peasantry, the increase in rural taxation, the revival of plans to establish "collective village husbandry", and the further suppression of private trade. It is pointed out that these measures are creating widespread and acute discontent by convincing the masses that it is intended to reintroduce the card system of rationing and the total prohibition of private

**ON THIS DAY**

March 7, 1928

Outspoken opposition in the Soviet Union had not yet, it appears, been entirely crushed

traders. The economists declare that alarming symptoms of a return to these conditions are already appearing under the influence of the new economic campaign. The spectacle of men leaching provisions from the villages in sacks, the ubiquitous queues, and the rationing of food supplies under various guises in some localities, have produced alarm among the masses, which it behoves the Government to recognize, and which ought to make it reflect whether it is steering. They lay stress also on the harm that the campaign is doing the Soviet abroad, where reports of their "liquidation of N.E.P." — New Economic Policy — and a resumption of the methods of the militant

period of Bolshevism are gaining an ever-widening currency. Even friendly Germany, they say, is affected by the reports as is reflected by the Press and by the progress of the present negotiations in Berlin in regard to German-Soviet trade relations. Stalin's group — Stalin is Secretary-General of the Communist Party — insists, however, that it is most important at the present moment to retain the sympathies of Left-wing Communist circles, as otherwise Trotskyism will reappear. The Stalin group, therefore, is urgently introducing numerous measures which the Opposition has advocated. The *Ekonomicheskaya Zhizn*, the organ of the Council of Labour and Defence, discusses guardedly the divergences. It denies formally any intention to destroy the N.E.P., yet, but states that the party leaders have decided "to cease retreating and to begin a counter-advance against the private capitalist sector of the economic front of the countryside, determined not to rest until the enemy is utterly destroyed. In furtherance of its grain campaign, which was inaugurated some weeks ago, the Soviet last week appointed a "Dictator of Crops", who was instructed, among other matters, to overcome what was called the resistance of the comparatively well-to-do peasants.



